

TITLE 10. JUDICIAL ADMINISTRATION RULES

Division 1. Judicial Council

Chapter 1. The Judicial Council and Internal Committees

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Rule 10.1. Authority, duties, and goals of the Judicial Council

(a) The Judicial Council

- (1) The Judicial Council is a state entity established by the California Constitution and chaired by the Chief Justice of California. The purpose of the Judicial Council is to set the direction and provide leadership for improving the quality of justice and advancing its consistent, independent, impartial, and accessible administration on behalf of the public and the court system as a whole.
- (2) The council establishes policies and sets priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.

(Subd (a) amended effective January 1, 2007.)

(b) Constitutional duties

Article VI, section 6 of the California Constitution requires the council to improve the administration of justice by doing the following:

- (1) Surveying judicial business;
- (2) Making recommendations to the courts;
- (3) Making annual recommendations to the Governor and the Legislature;
- (4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and
- (5) Performing other functions prescribed by statute.

(c) Goals

The council develops policies to achieve the following goals:

- (1) The improvement of access, fairness, and diversity in the judicial branch;
- (2) The institutional independence of the judiciary as a separate branch of government with the resources necessary for its support and the independence and impartiality of judicial decision making;
- (3) The modernization and improvement of judicial administration practices;
- (4) Fair and responsive judicial service to the public in all courts; and
- (5) The promotion of the goals of the Judicial Council through judicial branch education and professional development.

(Subd (c) amended effective January 1, 2007.)

(d) Long-range strategic plan

The council adopts and publishes a statement of goals and long-term strategies to meet those goals. This publication is referred to as the “Long-Range Strategic Plan.”

(Subd (d) amended effective January 1, 2007.)

(e) The Administrative Office of the Courts

The Administrative Office of the Courts supports the council in performing its functions. The Administrative Director is the Secretary of the Judicial Council.

(Subd (e) amended effective January 1, 2007.)

Rule 10.1 amended and renumbered effective January 1, 2007; adopted as rule 6.1 effective January 1, 1999.

Rule 10.2. Judicial Council membership and terms

(a) Constitutional provision on membership and terms

Under article VI, section 6 of the California Constitution, the Judicial Council consists of the Chief Justice and one other justice of the Supreme Court, 3 justices of Courts of Appeal, 10 judges of superior courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice to three-year terms; 4 members of the State Bar appointed by its governing body to three-year terms; and 1 member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy is filled by the appointing power for the remainder of the term.

(Subd (a) amended effective January 1, 2007.)

(b) Chair

The Chief Justice of California is the Chair of the Judicial Council. A reference to the Chair of the Judicial Council in the statutes or rules of this state means the Chief Justice of California. The Chair may designate a vice-chair to act in the Chair's absence.

(c) Role of members

Council members do not represent a specific constituency but shall act in the best interests of the public and the entire court system.

(d) Terms

Council members are appointed to terms beginning September 15 and ending September 14. Terms for judge members are staggered. To the extent feasible, the State Bar and the Legislature should create staggered terms for their appointees.

(e) Restrictions on advisory committee membership

Unless the Chief Justice waives this provision, neither council members nor nonvoting advisory council members may concurrently serve on a council advisory committee. This provision does not apply to the following advisory committees:

- (1) Administrative Presiding Justices;
- (2) Trial Court Presiding Judges; and
- (3) Court Executives.

(Subd (e) amended effective January 1, 2007.)

Rule 10.2 amended and renumbered effective January 1, 2007; adopted as rule 6.2 effective January 1, 1999.

Rule 10.3. Nonvoting members

(a) Appointment

The Chief Justice appoints nonvoting advisory council members as specified in article VI, section 6 of the California Constitution or as approved by the Judicial Council.

(b) Voting

A nonvoting council member may make or second motions at a council meeting but may not vote. A nonvoting member may vote on an internal committee matter as specified in rule 10.10(d).

(Subd (b) amended effective January 1, 2007.)

Rule 10.3 amended and renumbered effective January 1, 2007; adopted as rule 6.3 effective January 1, 1999.

Rule 10.4. Nominations and appointments to the Judicial Council

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting council members by submitting a list of nominees for each position. The committee uses the following procedures:

- (1) The committee publicizes vacancies and solicits nominations. Nominations for advisory member positions are solicited from the Court Executives Advisory Committee, the Appellate Court Clerks Association, the California Court Commissioners Association, and other related bodies. The selected nominees should represent diverse backgrounds, experiences, and geographic locations.
- (2) The committee submits a list of at least three nominees to the Chief Justice for each vacant position, except for the Supreme Court associate justice position. The committee gives added consideration to persons who have served on advisory committees or task forces.
- (3) If the Chief Justice is a member of the Executive and Planning Committee, the Chief Justice does not participate in discussions relating to nominations.

(Subd (a) amended effective January 1, 2007.)

(b) Appointing order

The Chief Justice makes appointments to the council by order.

Rule 10.4 amended and renumbered effective January 1, 2007; adopted as rule 6.4 effective January 1, 1999.

Rule 10.5. Notice and agenda of council meetings

(a) Generally

The Judicial Council meets at the call of the Chief Justice no fewer than four times a year.

(Subd (a) amended effective January 1, 2004.)

(b) Meeting schedule

The Administrative Office of the Courts must publish a regular annual schedule that states the planned date, purpose, and location of each meeting. Additional meetings may be scheduled as necessary.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(c) Notice of business meetings

“Business meetings” are council meetings at which a majority of voting members are present to discuss and decide matters within the council’s jurisdiction. The Administrative Office of the Courts must give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting. The notice must state whether the meeting is open or closed. If the meeting is partly closed, the notice must indicate which agenda items are closed. A meeting may be conducted without notice in case of an emergency requiring prompt action.

(Subd (c) amended effective January 1, 2004.)

(d) Budget meetings

A “budget meeting” is that portion of any business meeting at which trial court budgets are to be discussed. The Administrative Office of the Courts must provide notice of a budget meeting in the same manner as any other business meeting. Budget meetings normally are scheduled as follows:

- (1) A budget priority meeting, normally in February of each year, at which the Judicial Council adopts budget priorities for the trial courts for the budget year that begins July 1 of the next calendar year.
- (2) A meeting at which the proposed budget is approved, normally in August of each year, at which the Judicial Council takes action on the following:
 - (A) Staff recommendations on trial court budget change requests for the next fiscal year;
 - (B) A total baseline budget for each trial court for the next fiscal year; and
 - (C) Any proposed changes in funding for a trial court.
- (3) A budget allocation meeting, normally at the first council meeting after the state’s budget is enacted, at which the Judicial Council approves the final budget allocations for each trial court, including approved budget adjustments.
- (4) Other meetings following substantive changes to the trial court portion of the proposed State Budget made by the Governor in the proposed Governor’s budget or by a committee or house of the Legislature, at which the Judicial Council will take appropriate action, if any.

(Subd (d) adopted effective January 1, 2004.)

(e) Form of notice

The notice and agenda for council meetings must be posted at the Administrative Office of the Courts and on the California Courts Web site (www.courtinfo.ca.gov). In addition, the notice and agenda for budget meetings must be provided to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat).

(Subd (e) amended effective January 1, 2007; adopted as subd (d) effective January 1, 1999; previously amended and relettered effective January 1, 2004.)

(f) Contents of agenda

The agenda must contain a brief description of each item to be considered at the council meeting. All items are classified as discussion items, consent items, or informational items.

(1) *Consent items deemed approved*

All consent items are deemed approved without further action at the adjournment of each council meeting.

(2) *Moving consent items to discussion agenda*

A consent item must be moved to the discussion agenda if a council member so requests by giving 48 hours' advance notice to the Executive and Planning Committee, or if the Chief Justice moves the item to the discussion agenda.

(Subd (f) amended and relettered effective January 1, 2004; adopted as subd (e) effective January 1, 1999.)

(g) Meeting materials

(1) *General materials*

General meeting materials must be distributed to council members at least three business days before the date of the meeting, except in extraordinary circumstances. The Administrative Director may make copies of materials available to the media or attendees in advance of a business meeting and may specify that the materials are provided on agreement by the recipient that they will be kept confidential until the council has discussed or acted on specified items. The council may charge a fee to cover the costs of replicating and mailing these materials to members of the public.

(2) *Budget materials*

(A) *When available*

Materials involving trial court budgets must be made available at least five business days before the meeting if they have been distributed by that time to the members of the council. All other materials involving trial court budgets must be made available at the same time as the information is distributed to the council.

(B) *Distribution*

Materials must be made available by posting on the California Courts Web site and by distribution to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat).

(C) *Contents at the budget approval meeting*

Materials involving trial court budget proposals presented at the budget approval meeting must include proposed statewide requests for funding, existing trial court baseline budgets, adjustments proposed for any trial court baseline budget, and any court-specific budget change requests.

(Subd (g) amended effective January 1, 2007; adopted as subd (f) effective January 1, 1999; previously amended and relettered effective January 1, 2004.)

(h) Circulating orders

Between business meetings, the council may act by circulating order on urgent matters if the Chief Justice or the Administrative Director approves. Prior public notice of a proposed circulating order is not required. Each circulating order adopted by the council must be included on the agenda for the next business meeting as an information item.

(Subd (h) amended and relettered effective January 1, 2004; adopted as subd (g) effective January 1, 1999.)

Rule 10.5 amended and renumbered effective January 1, 2007; adopted as rule 6.5 effective January 1, 1999; previously amended effective January 1, 2004.

Rule 10.6. Judicial Council meetings

(a) Open meeting policy

Business meetings are open to the public unless they are closed under (b). Other meetings, such as orientation, planning, and educational meetings, may be made open to the public at the discretion of the Chief Justice. The Chief Justice may seek a recommendation from the Executive and Planning Committee on whether all or part of any meeting should be open or closed. Any discussion or decision of the full council at a business meeting regarding a trial court budget allocation must take place in an open meeting of the council, except for an executive session as provided in (b).

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(b) Closed sessions

The Chief Justice may close all or part of a business meeting because of the nature of the meeting or of matters to be discussed. The following matters will ordinarily be discussed in closed session:

- (1) A personnel matter or a discussion of the character, competence, or physical or mental health of an individual;
- (2) Claims or litigation in which the Judicial Council has an interest;
- (3) Contract, labor, or legislative negotiations;
- (4) The purchase, sale, or lease of real property;
- (5) Security plans or procedures;
- (6) Allegations of criminal or professional misconduct; and
- (7) Discussions protected by the attorney-client privilege.

(c) Conduct at meeting

Members of the public who attend open meetings must remain orderly. The Chief Justice may order the removal of any disorderly persons.

(Subd (c) amended effective January 1, 2004.)

(d) Requests to speak—general

The Executive and Planning Committee, in its discretion, may allow a member of the public to speak at a business meeting. Unless the Chief Justice waives this requirement, any member of the public who wishes to speak at a business meeting must submit a request of no more than two pages to the chair of the Executive and Planning Committee by delivering it to the Administrative Office of the Courts at least four business days before the meeting.

(1) *Contents of the request*

The request must include the following:

- (A) A description of the agenda item to be addressed;
- (B) A specific recitation of the proposed statement with an explanation of its relevance to the agenda item and the reasons it would be of benefit to the council in its deliberations;
- (C) The name, residence, and occupation of the person asking to speak and, if applicable, the name, address, and purpose of the agency or organization that the speaker represents;
- (D) If available, telephone and fax numbers and e-mail address of the person asking to speak and, if applicable and available, the telephone, fax numbers, and e-mail address of the agency or organization that the speaker represents;
- (E) The words “Request to Speak at Judicial Council Meeting” displayed prominently in letters at least one-quarter-inch high on the envelope containing the request; and
- (F) A copy of any written materials the speaker proposes to distribute at the meeting.

(2) *Notice of decision*

The Executive and Planning Committee must respond to the request at least two business days before the meeting. The committee may grant the request in part or whole, request additional information, circulate any written materials, or take other action it deems appropriate.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(e) Presentation of information on trial court budget matters

(1) *Presentation of written information*

Any designated employee representative has a right to provide written information on trial court budget allocations to the council.

(2) *Oral presentation*

Any designated employee representative who wishes to make an oral presentation to the Judicial Council must make a written request to the Administrative Office of the Courts (attention Secretariat) no later than 24 hours before the meeting unless the issue has arisen within the last five business days before the meeting, in which case the written request may be made on the day of the meeting.

(3) *Limit on number and time*

The Chief Justice or his or her designee may limit the number and time of speakers in order to avoid cumulative discussion.

(Subd (e) amended effective January 1, 2007; adopted effective January 1, 2004.)

(f) Video recording, photographing, and broadcasting at meeting

The Chief Justice may permit video recording, photographing, or broadcasting of a meeting. Any such video recording, photographing, or broadcasting is subject to regulations that ensure the meeting's security and dignity. A request to record, photograph, or broadcast a council meeting must be received by the Chief Justice at least two business days before the meeting.

(Subd (f) relettered effective January 1, 2004; adopted as subd (e) effective January 1, 1999.)

(g) Minutes as official records

The Secretary of the Judicial Council must prepare written minutes of each council meeting for approval at the next council meeting. When approved by the council, the minutes constitute the official record of the meeting.

(Subd (g) amended and relettered effective January 1, 2004; adopted as subd (f) effective January 1, 1999.)

Rule 10.6 amended and renumbered effective January 1, 2007; adopted as rule 6.6 effective January 1, 1999; previously amended effective January 1, 2004.

Rule 10.10. Judicial Council internal committees

(a) Membership and appointment

The Chief Justice appoints each council member and advisory council member to one or more internal committees for a one-year term.

(Subd (a) amended effective January 1, 2007.)

(b) Committee chairs

The Chief Justice may chair any internal committee or may appoint a committee member as chair or vice-chair.

(c) Meetings

Each internal committee meets as often as necessary to perform its responsibilities. The Administrative Director of the Courts may attend and participate in the meetings of each internal committee. Internal committee meetings are closed to the public but may be opened at the committee chair's discretion.

(d) Voting

An advisory council member may vote on any internal committee matter unless the committee is taking final action on behalf of the council.

(e) Council review

The council may overrule or modify an action taken by an internal committee.

(f) Reporting to the council

As often as necessary, each internal committee must report to the council on the committee's activities.

(Subd (f) amended effective January 1, 2007.)

Rule 10.10 amended and renumbered effective January 1, 2007; adopted as rule 6.10 effective January 1, 1999.

Rule 10.11. Executive and Planning Committee

(a) Coordinating council meetings

The Executive and Planning Committee coordinates the annual schedule and establishes agendas for council meetings. The committee determines:

- (1) Whether each item submitted should be placed on the council's agenda and is presented in a form that gives the council the information it needs to make a well-informed decision; and
- (2) Whether each item should be on the consent, discussion, or information agenda; how much time is to be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Internal operating procedures

The committee develops and administers the internal operating procedures of the council.

(Subd (b) amended effective January 1, 2002.)

(c) Nominations

The committee coordinates nominations for the Chief Justice's appointments to the council, advisory committees, and task forces.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(d) Actions on behalf of the council

Between council meetings the committee may take action on behalf of the council except for:

- (1) Adopting rules of court, standards of judicial administration, or council forms;
- (2) Making statutory appointments; and
- (3) Taking actions that are delegated to other internal committees.

(e) Planning

The committee oversees the development and implementation of the council's long-range strategic plan by:

- (1) Recommending responses to forces and trends that are likely to affect the judiciary's operations and resources;
- (2) Planning and conducting the council's annual strategic planning meeting and related efforts; and
- (3) Collaborating with the Administrative Director of the Courts regarding proposed judicial branch budgets, proposed allocation schedules, and related budgetary issues.

(Subd (e) amended effective January 1, 2005; previously amended effective January 1, 2002.)

(f) Budget

The committee must ensure that proposed judicial branch budgets and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic plan. The Administrative Director of the Courts assists the Executive and Planning Committee in carrying out this function, as directed by the Executive and Planning Committee and as otherwise provided in these rules.

(Subd (f) amended effective January 1, 2005; previously amended effective January 1, 2002.)

(g) Oversight of advisory committees and task forces

The committee provides guidance and direction to advisory committees and task forces, as specified in rules 10.30, 10.34, and 10.70.

(Subd (g) amended effective January 1, 2007; adopted effective September 1, 2003.)

Rule 10.11 amended and renumbered effective January 1, 2007; adopted as rule 6.11 effective January 1, 1999; previously amended effective January 1, 2002, September 1, 2003, and January 1, 2005.

Rule 10.12. Policy Coordination and Liaison Committee

(a) Relations with other entities

The Policy Coordination and Liaison Committee acts as the council's liaison with other governmental entities, the bar, the media, the judiciary, and the public.

(Subd (a) amended effective September 1, 2003.)

(b) Legislative activities

With the assistance of the Office of Governmental Affairs, the committee performs the following functions regarding proposed legislation:

- (1) Taking a position on behalf of the council on pending legislative bills, provided that the position is consistent with the council's established policies and precedents;
- (2) Making recommendations to the council on proposals for council-sponsored legislation. The committee annually proposes a legislative agenda to the Judicial Council after evaluating input from advisory committees, staff, and courts; and
- (3) Representing the council's position before the Legislature and other bodies or agencies.

(Subd (b) amended effective September 1, 2003.)

(c) Coordination

The committee develops an annual plan for communication and interaction with the judiciary, other branches and levels of government, components of the justice system, the bar, the media, and the public.

(Subd (c) amended effective September 1, 2003.)

(d) Advisory committees

The committee may direct any advisory committee to provide it with analysis or recommendations on any pending or proposed legislation, and reviews all recommendations from advisory committees regarding pending or proposed legislation.

(Subd (d) amended effective January 1, 2007; adopted effective September 1, 2003.)

Rule 10.12 amended and renumbered effective January 1, 2007; adopted as rule 6.12 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.13. Rules and Projects Committee

(a) Oversight of advisory committees and task forces

The Rules and Projects Committee provides guidance and direction to advisory committees and task forces, as specified in rules 10.30, 10.34, and 10.70.

(Subd (a) amended effective January 1, 2007; previously amended effective September 1, 2003.)

(b) Recommendations

The committee recommends to the Executive and Planning Committee whether each proposal for new or amended rules, standards, or forms should be on the council's consent or discussion agenda and how much time should be allocated for discussion. It also recommends to the council whether such a proposal should be approved and, when appropriate, identifies issues for discussion. If the committee recommends against approval, it must state the reasons for doing so.

(Subd (b) amended effective January 1, 2007; previously amended effective September 1, 2003.)

(c) Rules, standards, and forms

The committee must establish and maintain a rule-making process that is understandable and accessible to the public. It assists the council in making informed decisions about rules of court administration, practice, and procedure by:

- (1) Identifying the need for new rules, standards, and forms;
- (2) Reviewing proposals for rules, standards, and forms and circulating them for public comment in accordance with the committee's procedures and guidelines;
- (3) Establishing and publishing procedures that solicit and consider relevant input from the public for each proposal for the adoption of rules, standards, and forms;
- (4) Providing guidelines for the style and format of rules and ensuring that each proposal presented to the council is consistent with the guidelines;
- (5) Ensuring that proposals for new or amended rules, standards, and forms do not conflict with statutes or other rules;

- (6) Recommending whether the council should approve, modify, or reject each proposal; and
- (7) Initiating circulating orders to allow the council to adopt rules, standards, and forms between council meetings if necessary.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2003.)

(d) Jury instructions

The committee must establish and maintain a process for obtaining public comment on the jury instructions approved by the Judicial Council, and must assist the council in making informed decisions about jury instructions by making recommendations to the council on whether to approve proposed new or modified instructions submitted by the advisory committees on jury instructions.

(Subd (d) amended effective January 1, 2007; adopted effective September 1, 2003.)

Rule 10.13 amended and renumbered effective January 1, 2007; adopted as rule 6.13 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.14. Litigation Management Committee

(a) Litigation oversight

The Litigation Management Committee must oversee litigation and claims against trial court judges, appellate court justices, the Judicial Council, the Administrative Office of the Courts, the trial and appellate courts, and the employees of those bodies that seek recovery of \$50,000 or more or raise important policy issues by:

- (1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and
- (2) Consulting with the Administrative Director or General Counsel, on request, regarding important strategy issues.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2003.)

(b) Recommendations

The committee must make recommendations to the Judicial Council for policies governing the management of litigation involving the courts.

(c) Strategic decisions

On presentation by the Office of the General Counsel of the written objection described in rule 10.202(d), the committee must resolve the objection.

(Subd (c) amended effective January 1, 2007; previously adopted effective January 1, 2003.)

Rule 10.14 amended and renumbered effective January 1, 2007; adopted as rule 6.14 effective January 1, 2001; previously amended effective January 1, 2003.

Rule 10.15. Interim Court Facilities Panel

(a) Intent

The Trial Court Facilities Act of 2002 and the related laws involving appellate court facilities placed new responsibilities on the Judicial Council, the Administrative Office of the Courts, and the courts concerning court facilities. The Interim Court Facilities Panel must assist the council, on an interim basis, in fulfilling its responsibilities for court facilities. The council intends that, as of July 1, 2007, these responsibilities will be exercised by the council's Executive and Planning Committee.

(Subd (a) amended effective January 1, 2007.)

(b) Responsibility

The Interim Court Facilities Panel must review and consult with the Administrative Office of the Courts on matters concerning court facilities and must review proposals involving such matters before they are considered by the Judicial Council. These matters include:

- (1) Policies, procedures, and guidelines concerning court facilities;
- (2) Annual proposals for operations and maintenance of appellate and trial court facilities;
- (3) Annual capital outlay proposals for appellate and trial court facilities;
- (4) Modifications to the facilities master plans and the Five-Year Capital Infrastructure Plan;
- (5) Site selection for any new court facility;

- (6) Preliminary plans, including cost estimates and schedules, for any new court facility; and
- (7) Requests to augment the budget for any major-capital-outlay court construction project (i.e., new construction or renovation over \$400,000) when the total increase exceeds 20 percent of the project budget amount.

(Subd (b) amended effective January 1, 2007.)

(c) Long-term governance structure

Before June 30, 2007, the panel must recommend to the Judicial Council, after consultation with the Court Facilities Transitional Task Force and the Administrative Office of the Courts, an appropriate long-term structure for court facilities governance.

(d) Membership

The Interim Court Facilities Panel consists of at least two trial court judges, one appellate court justice, and two court administrators, each appointed by the Chief Justice from the members of the Judicial Council. The panel members must include at least one member from each of the council's other internal committees.

(e) Application of rule 10.10

Except as otherwise specifically provided in this rule, rule 10.10 applies to this panel.

(Subd (e) amended effective January 1, 2007.)

(f) Repeal

This rule is repealed effective June 30, 2007.

Rule 10.15 amended and renumbered effective January 1, 2007; adopted as rule 6.15 effective June 23, 2004.

Rule 10.20. Proposals for new or amended rules, standards, or forms; rule-making process in general

(a) Council meetings to consider proposals

The Judicial Council meets twice a year, generally in April and October, to consider proposals for the adoption, amendment, or repeal of California Rules of Court, California Standards of Judicial Administration, and Judicial Council forms.

(b) Proposals

The council will consider proposals that are submitted to it by an internal committee, an advisory committee, a task force, or the Administrative Office of the Courts, in accordance with rule 10.22 and any policies and procedures established by the Rules and Projects Committee.

(Subd (b) amended effective January 1, 2007; repealed and adopted effective January 1, 2002.)

(c) Statewide uniformity

The council will establish uniform statewide practices and procedures where appropriate to achieve equal access to justice throughout California.

(Subd (c) relettered effective January 1, 2002; adopted as subd (g) effective January 1, 1999.)

Rule 10.20 amended and renumbered effective January 1, 2007; adopted as rule 6.20 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.21. Proposals from members of the public for changes to rules, standards, or forms

(a) Application

This rule applies to proposals for changes to rules, standards, or forms by a member of the public (any person or organization other than a Judicial Council internal committee, advisory committee, or task force, or the Administrative Office of the Courts).

(b) Submission and content of proposals

Proposals must be submitted in writing to: Judicial Council of California, Attention: General Counsel. Proposals should include:

- (1) The text of the proposed rule, standard, form, or amendment;
- (2) A description of the problem to be addressed;
- (3) The proposed solution and alternative solutions;

- (4) Any likely implementation problems;
- (5) Any need for urgent consideration;
- (6) Known proponents and opponents;
- (7) Any known fiscal impact; and
- (8) If known, any previous action by the council or an advisory committee on the proposal.

(c) Advisory committee's review of proposal

The General Counsel must refer each proposal from a member of the public to an appropriate advisory committee for consideration and recommendation, or, if no appropriate advisory committee exists, to the Rules and Projects Committee. An Administrative Office of the Courts staff member may independently review the proposal and present an analysis and a recommendation to the committee. The committee may take one of the following actions:

- (1) Accept the proposal, either as submitted or modified, and proceed under rule 10.22;
- (2) Request further information or analysis; or
- (3) Reject the proposal.

(Subd (c) amended effective January 1, 2007.)

Rule 10.21 amended and renumbered effective January 1, 2007; adopted as rule 6.21 effective January 1, 2002.

Rule 10.22. Rule-making procedures

(a) Who may make proposals

A Judicial Council internal committee, advisory committee, task force, or the Administrative Office of the Courts may recommend that the council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or revoke a form.

(Subd (a) amended effective January 1, 2007.)

(b) Legal and advisory committee review

The internal committee, advisory committee, task force, or Administrative Office of the Courts (the proponent) must first submit its proposal to the Office of the General Counsel for legal and drafting review. If the proponent is not an advisory committee, and an appropriate advisory committee exists, the proponent must also submit the proposal to that advisory committee for review.

(Subd (b) amended effective January 1, 2007.)

(c) Recommendation to Rules and Projects Committee

After the proposal has been reviewed by the Office of the General Counsel and any appropriate advisory committee, the proponent must submit the proposal to the Rules and Projects Committee with a recommendation that it be (1) circulated for public comment or (2) submitted to the council for approval without public comment.

(d) Review by Rules and Projects Committee

The Rules and Projects Committee must review the recommendation and may take one of the following actions:

- (1) Circulate the proposal for public comment;
- (2) If the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, recommend that the council adopt it without circulating it for comment;
- (3) Postpone circulation for comment and either request further information or analysis by the proponent or refer the matter to another council internal or advisory committee, the full council, or the Chief Justice; or
- (4) Reject the proposal if it is contrary to statute, conflicts with other rules or standards, or is contrary to established council policy.

(Subd (d) amended effective January 1, 2007.)

(e) Review of comments

After a proposal is circulated, the proponent must review the comments and decide whether to reject the proposal or to recommend that the council adopt it, with or without modifications.

(f) Submission to council

If, after reviewing the comments, the proponent recommends that the council adopt the proposal, the matter will be placed on the council's agenda. The Rules and Projects Committee must review the recommendation and submit its own recommendation to the council. The council may adopt, modify, or reject the proposal.

(g) Compelling circumstances

The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

Rule 10.22 amended and renumbered effective January 1, 2007; adopted as rule 6.22 effective January 1, 2002.

Chapter 2. Judicial Council Advisory Committees and Task Forces

Rule 10.30. Judicial Council advisory committees

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Rule 10.44. Probate and Mental Health Advisory Committee

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Rule 10.46. Trial Court Presiding Judges Advisory Committee

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Rule 10.51. Court Interpreters Advisory Panel

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Rule 10.58. Advisory Committee on Civil Jury Instructions
Rule 10.59. Advisory Committee on Criminal Jury Instructions
Rule 10.70. Task forces
Rule 10.71. Court Facilities Transitional Task Force

Rule 10.30. Judicial Council advisory committees

(a) Creation

In addition to the advisory committees established by the rules in this division, the Chief Justice may create additional advisory committees by order.

(b) Functions

Working under the council's direction, advisory committees assist the council by using their collective experience, opinions, and wisdom to provide advice, options, and recommendations to the council on topics affecting the administration of justice.

(Subd (b) amended effective September 1, 2003.)

(c) Committee charges

Each advisory committee's general charge is stated in the rules in this division. Each advisory committee is overseen by either the Executive and Planning Committee or the Rules and Projects Committee, as designated by the Chief Justice. The designated internal committee may give an annual charge to each advisory committee that specifies the work product the council expects during the year. The advisory committee may pursue matters in addition to those specified in its annual charge, as long as the matters are consistent with the committee's general charge and the committee operates within the limits of the resources available to the committee and within any other limitations specified by the council, the designated internal committee, or the Administrative Director of the Courts.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2003; previously amended effective September 1, 2003.)

(d) Staff

Advisory committees are assisted by the staff of the Administrative Office of the Courts. The duties of staff members include drafting committee work plans, managing the committee's budget and resources, coordinating committee activities, providing legal and policy analysis to the committee, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and presenting the committee's recommendations to the Judicial Council. Staff may provide independent legal or policy analysis of issues that is different from the committee's position.

(Subd (d) amended effective September 1, 2003.)

(e) Subcommittees

An advisory committee may form subcommittees, composed entirely of committee members, to carry out the committee's duties, subject to available resources.

(f) Preference for using advisory committees

Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.

(Subd (f) amended effective September 1, 2003.)

Rule 10.30 amended and renumbered effective January 1, 2007; adopted as rule 6.30 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.31. Advisory committee membership and terms

(a) Membership

The categories of membership of each advisory committee are specified in the rules in this chapter. Each advisory committee consists of between 12 and 18 members, unless a different number is specified by the Chief Justice or required by these rules. Advisory committee members do not represent a specific constituency but must act in the best interests of the public and the entire court system.

(Subd (a) amended effective September 1, 2003.)

(b) Terms

The Chief Justice appoints advisory committee members to three-year terms unless another term is specified in these rules. Terms are staggered so that an approximately equal number of each committee's members changes annually. The

Chief Justice also may appoint judicial officers who have served less than two years on the bench to one-year terms.

(Subd (b) amended effective January 1, 2007; previously amended effective November 1, 2004.)

(c) Chair and vice-chair

The Chief Justice appoints an advisory committee member to be a committee chair or vice-chair for a one-year term except for the chair and vice-chair of the Court Executives Advisory Committee, who may be appointed to two-year terms.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and January 1, 2004.)

(d) Advisory members

On the request of the advisory committee, the Chief Justice may designate an advisory member to assist an advisory committee or a subcommittee. Advisory members may participate in discussions and make or second motions but cannot vote.

(Subd (d) amended effective January 1, 2007.)

(e) Termination of membership

Committee membership terminates if a member leaves the position that qualified the member for the advisory committee unless the Chief Justice determines that the individual may complete the current term.

(f) Vacancies

Vacancies are filled as they occur according to the nomination procedures described in rule 10.32.

(Subd (f) amended effective January 1, 2007.)

(g) Retired judges

A judge's retirement does not cause a vacancy on the committee if the judge is eligible for assignment. A retired judge who is eligible for assignment may hold a committee position based on his or her last judicial position.

Rule 10.31 amended and renumbered effective January 1, 2007; adopted as rule 6.31 effective January 1, 1999; previously amended effective September 1, 2000, September 1, 2003, January 1, 2004, and November 1, 2004.

Rule 10.32. Nominations and appointments to advisory committees

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting advisory committee members by submitting a list of nominees for each position. Unless otherwise specified in the rule applicable to a particular advisory committee, the nomination procedures are as follows:

- (1) The Executive and Planning Committee must publicize vacancies and solicit nominations. If any group is designated to submit nominations for a position, the Executive and Planning Committee will request that the group submit at least three nominations for each advisory committee vacancy.
- (2) The Executive and Planning Committee must submit at least three nominees for each advisory committee vacancy to the Chief Justice. The nominees should represent diverse backgrounds and experiences as well as geographic locations throughout California.

(Subd (a) amended effective September 1, 2003.)

(b) Court executive or administrator members

A court executive or administrator member may be a county clerk, a court administrator, or an executive officer if the member also serves as the clerk of the court.

(c) Judicial administrator member

A judicial administrator member may be any person experienced in court administration and is not required to be currently employed by a court.

(d) Judicial officer

A judicial officer member may be a judge of the superior court or a court commissioner or referee.

(Subd (d) amended effective September 1, 2003.)

(e) Appointing order

The Chief Justice appoints advisory committee members by order.

(Subd (e) amended effective September 1, 2003.)

Rule 10.32 amended and renumbered effective January 1, 2007; adopted as rule 6.32 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.33. Advisory committee meetings

Each advisory committee may meet as often as its chair deems necessary, within available resources. Meetings may be in person or by teleconference.

Rule 10.33 renumbered effective January 1, 2007; adopted as rule 6.33 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.34. Duties and responsibilities of advisory committees

(a) In general

Advisory committees make recommendations and offer options to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

- (1) Identifying issues and concerns affecting court administration and recommending appropriate solutions to the council;
- (2) Proposing necessary changes to rules, standards, and forms on the following schedule:
 - (A) As needed for selected provisions in response to legislative and case law changes as well as to proposals from committee members and others; and
 - (B) At least every 10 years for all provisions within the committee's area of focus;
- (3) Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;
- (4) Recommending new legislation to the council;

- (5) Recommending to the council pilot projects to evaluate new procedures or practices;
- (6) Acting on assignments referred by the council or an internal committee; and
- (7) Making other appropriate recommendations to the council.

(Subd (a) amended effective September 1, 2003.)

(b) Work plan

Each committee must submit an annual proposed work plan that is reviewed by the internal committee with oversight responsibility, as designated by the Chief Justice. This subdivision does not apply to the Administrative Presiding Justices Advisory Committee.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002, and September 1, 2003.)

(c) Contents of work plan

The work plan must contain the following items:

- (1) A prioritized list and description of all current committee projects and activities and estimated dates of completion;
- (2) A list of existing rules, standards, and forms that the committee will review and recommend for amendment, reorganization, or repeal;
- (3) Proposals for new projects that the committee wishes to undertake; and
- (4) Estimated cost and staff needed to complete each project or activity.

(Subd (c) amended effective September 1, 2003.)

(d) Review of work plans

The internal committee that is responsible for oversight of the advisory committee reviews the proposed work plan and provides the advisory committee with an annual charge to ensure that its activities are consistent with the council's goals and priorities. The annual charge may:

- (1) Approve or disapprove the work plan in whole or in part;

- (2) Direct the committee to pursue specific projects on the work plan;
- (3) Add or delete specific projects; and
- (4) Reassign priorities.

An advisory committee may pursue matters in addition to those specified in its annual charge as long as the matters are consistent with the advisory committee's general charge, its approved work plan, and the council's long-range strategic plan. The additional matters must also be within the committee's authorized budget and available resources, as specified by the council or the Administrative Director of the Courts.

(Subd (d) amended effective January 1, 2007; previously amended effective September 1, 2003.)

(e) Reporting to internal committee

Each advisory committee must periodically report to the internal committee with oversight responsibility on its continuing work and must provide analysis of issues and make recommendations as requested by the internal committee.

(Subd (e) amended effective January 1, 2007; previously amended effective September 1, 2003.)

(f) Review of need for advisory committees

Every five years each advisory committee must report in writing to the internal committee with oversight responsibility about whether the advisory committee should continue to exist and whether it should maintain its current structure. The internal committee may make a recommendation to the council.

(Subd (f) amended effective September 1, 2003.)

Rule 10.34 amended and renumbered effective January 1, 2007; adopted as rule 6.34 effective January 1, 1999; previously amended effective January 1, 2002, and September 1, 2003.

Rule 10.40. Appellate Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in appellate proceedings.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Additional duty

In addition to the duties described in rule 10.34 the committee makes proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Supreme Court justice;
- (2) Court of Appeal justice;
- (3) Trial court judicial officer with experience in the appellate division;
- (4) Supreme Court clerk administrator;
- (5) Appellate court administrator;
- (6) Trial court judicial administrator;
- (7) Civil appellate lawyer;
- (8) Criminal defense appellate lawyer;
- (9) State Public Defender; and
- (10) Appellate lawyer of the Attorney General's Office.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2002.)

Rule 10.40 amended and renumbered effective January 1, 2007; adopted as rule 6.40 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.41. Civil and Small Claims Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in civil and small claims proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Lawyer whose primary area of practice is civil law;
- (5) Legal secretary; and
- (6) Person knowledgeable about small claims law and procedure.

(Subd (b) amended effective January 1, 2007.)

Rule 10.41 amended and renumbered effective January 1, 2007; adopted as rule 6.41 effective January 1, 1999.

Rule 10.42. Criminal Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in criminal proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;

- (3) Judicial administrator;
- (4) Prosecutor; and
- (5) Criminal defense lawyer.

(Subd (b) amended effective January 1, 2007.)

Rule 10.42 amended and renumbered effective January 1, 2007; adopted as rule 6.42 effective January 1, 1999.

Rule 10.43. Family and Juvenile Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Child custody mediator;
- (5) Lawyer whose primary practice area is family law;
- (6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;
- (7) Chief probation officer;
- (8) Child welfare director;
- (9) Court Appointed Special Advocate (CASA) director;

- (10) County counsel assigned to juvenile dependency cases;
- (11) Domestic violence prevention advocate;
- (12) District attorney assigned to juvenile delinquency cases;
- (13) Lawyer from the California Department of Child Support Services or a local child support agency; and
- (14) Public-interest children's rights lawyer.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2005.)

Rule 10.43 amended and renumbered effective January 1, 2007; adopted as rule 6.43 effective January 1, 1999; previously amended effective July 1, 2005.

Rule 10.44. Probate and Mental Health Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in proceedings involving:

- (1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and
- (2) Mental health and developmental disabilities issues.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duty

The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Judicial officer with experience in probate;

- (2) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law;
- (3) Lawyer, examiner, or probate investigator who works for the court on probate or mental health matters;
- (4) Person knowledgeable in mental health or developmental disabilities or private management of probate matters; and
- (5) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues.

(Subd (c) amended effective January 1, 2007.)

Rule 10.44 amended and renumbered effective January 1, 2007; adopted as rule 6.44 effective July 1, 2000.

Rule 10.45. Trial Court Budget Working Group

The Administrative Director of the Courts must appoint annually a Trial Court Budget Working Group to advise the director on trial court budget issues. The working group must include trial court judicial officers and trial court executive officers reflecting the diversity of state trial courts, including location, size, and adequacy of funding. The working group may also include others selected by the Administrative Director of the Courts.

Rule 10.45 renumbered effective January 1, 2007; repealed and adopted as rule 6.45 effective January 1, 2005.

Rule 10.46. Trial Court Presiding Judges Advisory Committee

(a) Area of focus

The committee contributes to the statewide administration of justice by monitoring areas of significance to the justice system and making recommendations to the Judicial Council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(b) Additional duties

In addition to the duties specified in rule 10.34, the committee may:

- (1) Recommend methods and policies within its area of focus to improve trial court presiding judges' access to and participation in council decision making, increase communication between the council and the trial courts, and provide for training programs for judicial and court support staff;
- (2) Respond and provide input to the Judicial Council, appropriate advisory committees, or the Administrative Office of the Courts on pending policy proposals and offer new recommendations on policy initiatives in the areas of legislation, rules, forms, standards, studies, and recommendations concerning court administration; and
- (3) Provide for liaison between the trial courts and the Judicial Council, its advisory committees, task forces, and working groups, and the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(c) Membership

The committee consists of the presiding judge of each superior court.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(d) Executive Committee

The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, may act on behalf of the full advisory committee between its meetings.

(Subd (d) amended effective April 18, 2003; adopted effective September 1, 2000.)

(e) Subcommittee membership

The committee has standing subcommittees on rules and legislation. The chair may create other subcommittees as he or she deems appropriate. The chair must strive for representation of courts of all sizes on subcommittees.

(Subd (e) repealed and adopted effective April 18, 2003.)

(f) Chair

The advisory committee must annually submit to the Chief Justice three nominations for the chair of the advisory committee. The Chief Justice will select a chair from among the names suggested. The chair of the advisory committee serves as chair of any Executive Committee established under (d) and as an advisory member of the Judicial Council.

(Subd (f) amended effective January 1, 2007; adopted as subd (d) effective January 1, 1999; previously amended and relettered effective September 1, 2000; previously amended effective April 18, 2003.)

Rule 10.46 amended and renumbered effective January 1, 2007; adopted as rule 6.46 effective January 1, 1999; previously amended effective September 1, 2000, and April 18, 2003.

Rule 10.48. Court Executives Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2004.)

(b) Additional duties

In addition to the duties specified in rule 10.34, the committee must:

- (1) Recommend methods and policies to improve trial court administrators' access to and participation in council decision making;
- (2) Review and comment on legislation, rules, forms, standards, studies, and recommendations concerning court administration proposed to the council;
- (3) Review and make proposals concerning the Judicial Branch Statistical Information System or other large-scope data collection efforts;
- (4) Suggest methods and policies to increase communication between the council and the trial courts;
- (5) Serve as the Executive Committee for the Conference of Court Executives, as described in rule 10.49; and
- (6) Meet periodically with the Administrative Office of the Courts' directors to enhance branch communications.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(c) Consultation with the Conference of Court Executives

To assist it in formulating proposals and recommendations to the council, the committee may seek the advice of the Conference of Court Executives.

(Subd (c) amended effective January 1, 2007.)

(d) Membership

The committee consists of the following members;

- (1) Nine executive officers from trial courts that have 48 or more judges;
- (2) Four executive officers from trial courts that have 16 to 47 judges;
- (3) Two executive officers from trial courts that have 6 to 15 judges;
- (4) Two executive officers from trial courts that have 2 to 5 judges;
- (5) One member from the six clerk/administrators of the Courts of Appeal selected from three nominations made by the Appellate Court Clerks Association; and
- (6) One at-large member appointed from the trial courts by the committee chair to a one-year term.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(e) Nominations

The Conference of Court Executives must submit to the Court Executives Advisory Committee nominations for each vacancy on the committee. The Court Executives Advisory Committee will recommend three nominees for each committee vacancy from the nominations received and submit its recommendations to the Executive and Planning Committee of the Judicial Council. The list of nominees must enable the Chief Justice to appoint a committee that reflects a variety of experience, expertise, and types (e.g., urban, suburban, and rural) that is geographically balanced. Membership on this committee does not preclude appointment to any other advisory committee or task force.

(Subd (e) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(f) Chair and vice-chair

The Chief Justice may appoints the chair and vice-chair of the committee for up to a two-year term from the current membership of the Court Executives Advisory Committee.

(Subd (f) amended effective January 1, 2007; previously amended effective January 1, 2004.)

Rule 10.48 amended and renumbered effective January 1, 2007; adopted as rule 6.48 effective January 1, 1999; previously amended effective January 1, 2004.

Rule 10.49. Conference of Court Executives

(a) Function

The functions of the Conference of Court Executives are to:

- (1) Increase the opportunities for court executive officers to participate in the Judicial Council decision-making process; and
- (2) Provide a forum for the education of court executives.

(b) Duties

The Conference of Court Executives must:

- (1) Provide information and advice, when requested, to the Court Executives Advisory Committee; and
- (2) Conduct educational sessions for its members on matters related to court management, such as legislation, training, information management, judicial branch policy issues, professional development, best practices, and current issues facing the trial courts.

(Subd (b) amended effective January 1, 2004.)

(c) Membership

All court executive officers and clerk/administrators of the Courts of Appeal are members of the Conference of Court Executives. A court executive who is unable to participate in a meeting may designate his or her deputy to vote in his or her place.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(d) Chair and vice-chair

The chair and vice-chair of the Court Executives Advisory Committee are the chair and vice-chair of the conference.

(Subd (d) amended effective January 1, 2004.)

(e) Executive Committee

The conference's Executive Committee is the Court Executives Advisory Committee. The Executive Committee must:

- (1) Establish the schedule and agenda for meetings; and
- (2) As necessary, appoint subcommittees consisting of principal and associate members of the conference.

(Subd (e) amended effective January 1, 2004.)

(f) Nominations subcommittee

The Court Executives Advisory Committee must submit to the Executive and Planning Committee of the Judicial Council nominations for members of the committee, the advisory members of the Judicial Council who are court executives, and members of other advisory committees who are court executives or judicial administrators.

(Subd (f) amended effective January 1, 2004.)

(g) Meetings

The conference must meet during at least two statewide meetings a year. One meeting must be held at the annual California Judicial Administration Conference. The conference must also meet at least two times a year by region for court administration updates, focused discussions, and educational opportunities.

(Subd (g) amended effective January 1, 2004.)

(h) Reimbursement for meetings

Reimbursement for meeting travel per diem expenses for conference members will be subject to availability of funds.

(Subd (h) adopted effective January 1, 2004.)

Rule 10.49 amended and renumbered effective January 1, 2007; adopted as rule 6.49 effective January 1, 1999; previously amended effective January 1, 2004.

Rule 10.50. Governing Committee of the Center for Judicial Education and Research

(a) Establishment and purpose

In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER), which subsequently became the Education Division of the Administrative Office of the Courts. The Governing Committee of CJER was made an advisory committee to the council in 1993 through the adoption of former rule 1029. In 2001, the rule that specifies the CJER Governing Committee's duties was made consistent with the rules pertaining to other Judicial Council advisory committees, but it continues to acknowledge the historic participation of the California Judges Association.

(Subd (a) amended effective January 1, 2007; adopted effective December 18, 2001.)

(b) Area of focus

The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel.

(Subd (b) relettered and amended effective December 18, 2001; adopted as subd (a).)

(c) Additional duties

In addition to the duties described in rule 10.34, the committee must:

- (1) Recommend rules, standards, policies, and procedures for judicial branch education;
- (2) Recommend a strategic long-range plan for judicial branch education;
- (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;

- (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;
- (5) Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;
- (6) Identify the need for and appoint education committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;
- (7) Identify and foster collaborative opportunities with courts to promote and ensure the availability of training at the local court level;
- (8) Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and
- (9) Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.

(Subd (c) amended effective January 1, 2007; adopted as subd (b) effective January 1, 1999; previously relettered and amended effective December 18, 2001.)

(d) Membership

The committee consists of at least the following members:

- (1) Eight sitting judicial officers, including at least one appellate court justice;
- (2) Three judicial administrators;
- (3) The Administrative Director of the Courts as an advisory member;
- (4) The president of the California Judges Association or his or her designee as an advisory member; and
- (5) Other advisory members as the Chief Justice may appoint.

(Subd (d) relettered and amended effective December 18, 2001; adopted as subd (c).)

(e) Nominations

Nominations for vacant positions on the Governing Committee will be solicited under the procedures described in rule 10.32. The president of the California Judges Association may submit nominations to the Executive and Planning Committee.

(Subd (e) amended effective January 1, 2007; previously amended effective December 18, 2001.)

(f) Chair and vice-chair

The Chief Justice appoints the chair and vice-chair. The committee may make recommendations to the Chief Justice for these two positions.

(Subd (f) amended effective December 18, 2001.)

Rule 10.50 amended and renumbered effective January 1, 2007; adopted as rule 6.50 effective January 1, 1999; previously amended effective December 18, 2001.

Rule 10.51. Court Interpreters Advisory Panel

(a) Area of focus

To assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on:

- (1) Interpreter use and need for interpreters in court proceedings; and
- (2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.

(Subd (a) amended effective October 1, 2004.)

(b) Additional duty

The advisory panel is charged with reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Administrative Office of the Courts every five years under Government Code section 68563.

(Subd (b) amended effective October 1, 2004.)

(c) Membership

The advisory panel consists of 11 members. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:

- (1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of California, County of Solano, is considered part of Region 2 as specified in section 71807;
- (2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;
- (3) One appellate court justice;
- (4) Two trial court judges; and
- (5) Two court administrators, including at least one trial court executive officer.

(Subd (c) amended effective October 1, 2004; previously amended effective July 1, 1999.)

(d) Advisors

The Chief Justice may also appoint nonmember advisors to assist the advisory panel.

(Subd (d) adopted effective October 1, 2004.)

Rule 10.51 renumbered effective January 1, 2007; adopted as rule 6.51 effective January 1, 1999; previously amended effective July 1, 1999, and October 1, 2004.

Rule 10.52. Administrative Presiding Justices Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the administration and operation of the Courts of Appeal.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must:

- (1) Establish administrative policies that promote the quality of justice by advancing the efficient functioning of the appellate courts;
- (2) Advise the council of the appellate courts' resource requirements and solicit the council's support in meeting budget, administrative, and staffing requirements;
- (3) Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and
- (4) Comment on and make recommendations to the council about appellate court operations, including:
 - (A) Initiatives to be pursued by the council or the Administrative Office of the Courts; and
 - (B) The council's goals and strategies.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee consists of:

- (1) The Chief Justice as chair; and
- (2) The administrative presiding justices of the Courts of Appeal designated under rule 10.1004.

(Subd (c) amended effective January 1, 2007.)

(d) Funding

Each year, the committee must recommend budget change proposals to be submitted to the Chief Justice for legislative funding to operate the appellate courts. These proposals must be consistent with the budget management guidelines of the Finance Division of the Administrative Office of the Courts.

(Subd (d) amended effective January 1, 2007.)

(e) Allocations

The committee allocates resources among the appellate courts and approves budget management guidelines based on the actual allocation made by the Chief Justice.

(Subd (e) amended effective January 1, 2007.)

(f) Administrative Director of the Courts

The Administrative Director must meet regularly with the committee and must notify and, when appropriate, consult with the committee about appellate court personnel matters.

(Subd (f) amended effective January 1, 2007.)

Rule 10.52 amended and renumbered effective January 1, 2007; adopted as rule 6.52 effective January 1, 1999.

Rule 10.53. Court Technology Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must:

- (1) Recommend standards to ensure compatibility in information and communication technologies in the judicial branch;
- (2) Review and comment on requests for the funding of judicial branch technology projects to ensure compatibility with goals established by the council and standards promulgated by the committee;
- (3) Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;

- (4) Make proposals for technology education and training in the judicial branch;
- (5) Assist courts in acquiring and developing useful technologies; and
- (6) Maintain a long-range plan.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate justice;
- (2) Trial court judicial officer;
- (3) Trial court judicial administrator;
- (4) Appellate court judicial administrator;
- (5) Member of the Senate;
- (6) Member of the Assembly;
- (7) Representative of the executive branch; and
- (8) Lawyer.

(Subd (c) amended effective January 1, 2007.)

(d) Member selection

The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar.

(e) Chair

The Chief Justice appoints a judicial officer or justice member to serve as chair.

Rule 10.53 amended and renumbered effective January 1, 2007; adopted as rule 6.53 effective January 1, 1999.

Rule 10.54. Traffic Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as stated in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Trial court judicial officer;
- (2) Judicial administrator;
- (3) Juvenile traffic hearing officer;
- (4) Representative from the California Highway Patrol;
- (5) Representative from the Department of Motor Vehicles;
- (6) Representative from the Office of Traffic Safety; and
- (7) Criminal defense lawyer.

(Subd (b) amended effective January 1, 2007.)

Rule 10.54 amended and renumbered January 1, 2007; adopted as rule 6.54 effective January 1, 1999.

Rule 10.55. Access and Fairness Advisory Committee

(a) Area of focus

The committee makes recommendations for improving access to the judicial system and fairness in the state courts.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must recommend to the Center for Judicial Education and Research proposals for the education and training of judicial officers and court staff.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate justice;
- (2) Trial court judicial officer;
- (3) Lawyer with expertise or interest in disability issues;
- (4) Other lawyer;
- (5) Judicial administrator; and
- (6) Public member.

(Subd (c) amended effective January 1, 2007.)

Rule 10.55 amended and renumbered January 1, 2007; adopted as rule 6.55 effective January 1, 1999.

Rule 10.56. Collaborative Justice Courts Advisory Committee

(a) Area of focus

The committee makes recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these courts, which include drug courts, domestic violence courts, youth courts, and other collaborative justice courts. Those recommendations include “best practices” guidelines and methods for collecting data to evaluate the long-term effectiveness of collaborative justice courts.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must:

- (1) Assess and measure the success and effectiveness of local collaborative justice courts;
- (2) Identify and disseminate to trial courts locally generated best practices;
- (3) Recommend minimum judicial education standards and educational activities to support those standards to the Governing Committee of the Center for Judicial Education and Research;
- (4) Advise the council of potential funding sources;
- (5) Make recommendations regarding grant funding programs that are administered by the Administrative Office of the Courts for drug courts and other treatment courts; and
- (6) Recommend appropriate outreach activities needed to support collaborative justice courts.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include the following:

- (1) At least five judicial officers. Nominations for these appointments must be made in accordance with rule 10.32. The list of nominees should enable the Chair of the Judicial Council to appoint a committee that reflects a variety of court experience (e.g., criminal, juvenile, family, general civil), expertise, and court sizes and types (e.g., urban, suburban, and rural; and small, medium, and large).
- (2) At least one member from each of the following categories:
 - (A) Judicial administrator;
 - (B) District attorney;
 - (C) Criminal defense attorney;
 - (D) Law enforcement (police/sheriff);

- (E) Treatment provider or rehabilitation provider;
- (F) Probation officer;
- (G) Court-treatment coordinator;
- (H) Treatment court graduate; and
- (I) Public member.

(Subd (c) amended effective January 1, 2007.)

Rule 10.56 amended and renumbered effective January 1, 2007; adopted as rule 6.56 effective January 1, 2000; previously amended effective January 1, 2002.

Rule 10.57. Judicial Service Advisory Committee

(a) Area of focus

The committee makes recommendations for improving judicial service, retention, and compensation.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must identify and evaluate best current national and local practices and develop or recommend necessary training related to the following issues:

- (1) A “cafeteria plan” of benefits; wellness subsidies; professional development allowances; personal leave; and supplemental life, disability, or liability insurance;
- (2) Health-care benefits, including services and programs;
- (3) Compensation and retirement, including recommendations for 401(k) and other deferred compensation programs and the most appropriate mechanism for setting judicial salaries;
- (4) Resources and programs for quality of judicial life, particularly those dealing with health, stress, and relationships;

- (5) Mentorship programs; and
- (6) Special needs and programs for new and retired judges.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Retired jurist;
- (3) Superior court judge from a court with 15 or more judges;
- (4) Superior court judge from a court with 5 to 14 judges;
- (5) Superior court judge from a court with 4 or fewer judges;
- (6) Superior court executive officer from a court with 15 or more judges;
- (7) Superior court executive officer from a court with 14 or fewer judges;
- (8) Member of the Administrative Presiding Justices Advisory Committee; and
- (9) Member of the Trial Court Presiding Judges Advisory Committee.

(Subd (c) amended effective January 1, 2007.)

Rule 10.57 amended and renumbered effective January 1, 2007; adopted as rule 6.57 effective January 1, 2003.

Rule 10.58. Advisory Committee on Civil Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's civil jury instructions.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

- (1) Appellate court justice;
- (2) Trial court judge;
- (3) Lawyer whose primary area of practice is civil law; and
- (4) Law professor whose primary area of expertise is civil law.

Rule 10.58 amended and renumbered effective January 1, 2007; adopted as rule 6.58 effective September 1, 2003.

Rule 10.59. Advisory Committee on Criminal Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's criminal jury instructions.

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

- (1) Appellate court justice;
- (2) Trial court judge;
- (3) Lawyer whose primary area of practice is criminal defense;
- (4) Deputy district attorney or other attorney who represents the People of the State of California in criminal matters; and
- (5) Law professor whose primary area of expertise is criminal law.

Rule 10.59 renumbered effective January 1, 2007; adopted as rule 6.59 effective July 1, 2005.

Rule 10.70. Task forces

The Chief Justice, the Administrative Director of the Courts, or the council may establish task forces to work on specific projects that cannot be addressed by existing advisory committees. Each task force may be required to report to one of the internal committees, as designated in its charge. The Administrative Office of the Courts maintains a list of current task forces.

Rule 10.70 renumbered effective January 1, 2007; adopted as rule 6.70 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.71. Court Facilities Transitional Task Force

(a) Purpose

The task force provides the Administrative Office of the Courts with advice and recommendations on issues related to appellate and trial court facilities, including:

- (1) Acquisition, space programming, construction, and design of appellate and trial court facilities;
- (2) Maintenance and operation of appellate and trial court facilities;
- (3) Transfer of responsibility for trial court facilities from the counties to the state; and
- (4) Policies and procedures involving court facilities.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

- (1) The task force must include at least one member from each of the following categories, appointed by the Chief Justice for a term expiring June 30, 2007:
 - (A) Appellate court justice;
 - (B) Trial court judicial officer;
 - (C) Appellate court administrator;
 - (D) Trial court administrator from a large, metropolitan county;

- (E) Trial court administrator from other than a large, metropolitan county;
and
 - (F) Member of the State Bar of California.
- (2) The task force may also include one or more of the following, appointed by the Chief Justice for a term expiring June 30, 2007:
 - (A) A member of the public;
 - (B) An architect; and
 - (C) An engineering or construction industry professional.
 - (3) The Administrative Director of the Courts may appoint one or more nonvoting, advisory members to the task force.
 - (4) The Chief Justice may fill any vacancies in the voting membership of the task force.
 - (5) The provisions of rule 10.32 apply to the nominations and appointments to the task force.

(Subd (b) amended effective January 1, 2007.)

(c) Repeal date

This rule is repealed effective June 30, 2007.

Rule 10.71 amended and renumbered effective January 1, 2007; adopted as rule 6.60 effective June 23, 2004.

Chapter 3. Administrative Office of the Courts

Rule 10.80. Administrative Director of the Courts

Rule 10.81. Administrative Office of the Courts

Rule 10.80. Administrative Director of the Courts

The Administrative Director of the Courts, appointed by the Judicial Council under article VI, section 6 of the Constitution, performs those functions prescribed by the

Constitution and laws of the state, or delegated to the director by the Judicial Council or its chair.

Rule 10.80 amended and renumbered effective January 1, 2007; adopted as rule 6.80 effective January 1, 1999.

Rule 10.81. Administrative Office of the Courts

(a) Establishment

The Administrative Director of the Courts, under the supervision of the Chair of the Judicial Council, employs, organizes, and directs a staff, known as the Administrative Office of the Courts.

(Subd (a) amended effective January 1, 2007.)

(b) Duties

The Administrative Office of the Courts assists the council and its chair in carrying out their duties under the Constitution and laws of the state.

(Subd (b) amended effective January 1, 2007.)

(c) Reporting

The Administrative Office of the Courts must annually submit to the Judicial Council a management report that describes its current activities and internal operations.

(Subd (c) amended effective January 1, 2007.)

Rule 10.81 amended and renumbered effective January 1, 2007; adopted as rule 6.81 effective January 1, 1999.

Division 2. Administration of the Judicial Branch

Chapter 1. Budget and Fiscal Management

Rule 10.101. Role of the Judicial Council and Administrative Office of the Courts

Rule 10.102. Acceptance of gifts

Rule 10.103. Limitation on intrabranch contracting

Rule 10.104. Limitation on contracting with former employees

Rule 10.105. Allocation of new fee, fine, and forfeiture revenue

Rule 10.101. Role of the Judicial Council and Administrative Office of the Courts

(a) Purpose

This rule specifies the responsibilities of the Judicial Council, the Chief Justice, the Administrative Director of the Courts, and the Administrative Office of the Courts with respect to the judiciary's budget.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(b) Duties of the Judicial Council

The Judicial Council must:

- (1) Establish responsible fiscal priorities that best enable the judiciary to achieve its goals;
- (2) Develop the budget of the judiciary based on the priorities established and the needs of the courts;
- (3) Communicate and advocate the budget of the judiciary to the Governor and the Legislature;
- (4) Allocate funds in a manner that ensures equal access to justice for all citizens of the state, ensures the ability of the courts to carry out their functions effectively, promotes implementation of statewide policies as established by statute and the Judicial Council, and promotes implementation of efficiencies and cost-saving measures;
- (5) Resolve appeals on budget and allocation issues; and
- (6) Ensure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature.

(Subd (b) amended effective January 1, 2007.)

(c) Authority of the Chief Justice and Administrative Director of the Courts

- (1) The Chief Justice and the Administrative Director of the Courts may take the following actions, on behalf of the Judicial Council, with regard to any of the Judicial Council's recommended budgets for the Supreme Court, the Courts of

Appeal, the trial courts, the Judicial Council, and the Habeas Corpus Resource Center:

- (A) Make technical changes; and
 - (B) Make changes during negotiations with the legislative and executive branches consistent with the goals and priorities adopted by the Judicial Council. The Chief Justice and the Administrative Director of the Courts must advise the council of the results of the negotiations.
- (2) The Chief Justice and the Administrative Director of the Courts, on behalf of the Judicial Council, may allocate funding appropriated in the annual State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, and the Habeas Corpus Resource Center.
 - (3) After the end of each fiscal year, the Administrative Director of the Courts must report to the Judicial Council on the actual expenditures from the budgets for the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, and the Habeas Corpus Resource Center.

(Subd (c) adopted effective January 1, 2005.)

(d) Duties of the Administrative Director of the Courts

The Administrative Director of the Courts implements the directives of the Judicial Council and must:

- (1) Develop policies and procedures for the creation and implementation of a yearly budget for the judiciary;
- (2) Present the judiciary's budget in negotiations with the Governor and the Legislature; and
- (3) Allocate to the trial courts, on behalf of the Judicial Council, a portion of the prior fiscal year baseline allocation for the trial courts following approval of the State Budget and before the allocation of state trial court funding by the Judicial Council. The portion of the prior fiscal year baseline allocation that may be so allocated is limited to the amount estimated to be necessary for the operation of the courts pending action by the Judicial Council, and may not exceed 25 percent of the prior fiscal year baseline allocation for each trial court.

(Subd (d) amended effective January 1, 2007; adopted as subd (c) effective July 1, 1998; previously amended effective January 1, 2001; previously relettered effective January 1, 2005.)

(e) Duties of the Director of the Finance Division

The Director of the Finance Division of the Administrative Office of the Courts, under the direction of the Administrative Director of the Courts, administers the budget policies and procedures developed by the Administrative Director of the Courts and approved by the Judicial Council. The Director of the Finance Division must:

- (1) Develop and administer a budget preparation process for the judiciary, and ensure the submission of a final budget recommendation for the judiciary to the Department of Finance by November 1 of each year;
- (2) Develop, in consultation with the State Controller's Office and the Department of Finance, a manual of procedures for the budget request process, revenues, expenditures, allocations, and payments;
- (3) Monitor all revenues and expenditures for the judiciary;
- (4) Develop recommendations for fiscal priorities and the allocation and reallocation of funds; and
- (5) Assist all courts and the Administrative Director of the Courts in preparing and managing budgets.

(Subd (e) amended effective January 1, 2007; adopted as subd (d) effective July 1, 1998; previously relettered effective January 1, 2005.)

Rule 10.101 amended and renumbered effective January 1, 2007; adopted as rule 2301 effective July 1, 1998; renumbered as rule 6.101 effective January 1, 1999; previously amended effective January 1, 2001, and January 1, 2005.

Rule 10.102. Acceptance of gifts

(a) Administrative Director of the Courts' authority to accept gifts

The Administrative Director of the Courts may accept on behalf of any entity listed in (b) any gift of real or personal property if the gift and any terms and conditions are found to be in the best interest of the state. Any applicable standards used by the Director of Finance under Government Code section 11005.1 may be considered in accepting gifts.

(Subd (a) amended effective January 1, 2007; adopted as unlettered subd; previously amended and lettered effective January 1, 2004.)

(b) Delegation of authority

The Administrative Director may delegate the authority to accept gifts to the following, under any guidelines established by the Administrative Office of the Courts:

- (1) The executive officer of a superior court, for gifts to the superior court;
- (2) The clerk/administrator of a Court of Appeal, for gifts to a Court of Appeal;
- (3) The clerk of the Supreme Court, for gifts to the Supreme Court; and
- (4) The Director of the Finance Division of the Administrative Office of the Courts, for gifts to the Judicial Council and the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007; previously adopted effective January 1, 2004.)

Rule 10.102 amended and renumbered effective January 1, 2007; adopted as rule 989.7 effective September 13, 1991; previously amended and renumbered as rule 6.102 effective January 1, 2004.

Rule 10.103. Limitation on intrabranch contracting

(a) Definitions

For purposes of this rule, “judicial branch entity” includes a trial court, a Court of Appeal, the Supreme Court, and the Administrative Office of the Courts.

(b) Application

This rule is not applicable to:

- (1) Part-time commissioners, with respect to services as a commissioner;
- (2) Part-time court interpreters who are not subject to the cross-assignment system under Government Code section 71810, with respect to interpreter services provided to a court; and
- (3) Court reporters, with respect to reporter services provided to a court.

(Subd (b) amended effective January 1, 2007.)

(c) Intrabranchn limitations

An employee of a judicial branch entity must not:

- (1) Engage in any employment, enterprise, or other activity from which he or she receives compensation or in which he or she has a financial interest and that is sponsored or funded by any judicial branch entity through or by a contract for goods or services for which compensation is paid, unless the activity is required as a condition of his or her regular judicial branch employment; or
- (2) Contract with any judicial branch entity, on his or her own behalf, to provide goods or services for which compensation is paid.

(Subd (c) amended effective January 1, 2007.)

(d) Multiple employment

This rule does not prohibit any person from being employed by more than one judicial branch entity.

Rule 10.103 amended and renumbered effective January 1, 2007; adopted as rule 6.103 effective January 1, 2004.

Rule 10.104. Limitation on contracting with former employees

(a) Trial and appellate court contracts with former employees

A trial or appellate court may not enter into a contract for goods or services for which compensation is paid with a person previously employed by that court or by the Administrative Office of the Courts:

- (1) For a period of 12 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she was employed in a policymaking position in the same general subject area as the proposed contract within the 12-month period before his or her retirement, dismissal, or separation; or
- (2) For a period of 24 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by the court or the Administrative Office of the Courts.

(b) Administrative Office of the Courts contracts with former employees

The Administrative Office of the Courts may not enter into a contract for goods or services for which compensation is paid with a person previously employed by it:

- (1) For a period of 12 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she was employed in a policymaking position at the Administrative Office of the Courts in the same general subject area as the proposed contract within the 12-month period before his or her retirement, dismissal, or separation; or
- (2) For a period of 24 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007.)

(c) Policymaking position

"Policymaking position" includes:

- (1) In a trial court, the court's executive officer and any other position designated by the court as a policymaking position;
- (2) In an appellate court, the clerk/administrator and any other position designated by the court as a policymaking position; and
- (3) In the Administrative Office of the Courts, the Administrative Director of the Courts, the Chief Deputy Director, any director, and any other position designated by the Administrative Director as a policymaking position.

(d) Scope

This rule does not prohibit any court or the Administrative Office of the Courts from (1) employing any person or (2) contracting with any former judge or justice.

Rule 10.104 amended and renumbered effective January 1, 2007; adopted as rule 6.104 effective January 1, 2004.

Rule 10.105. Allocation of new fee, fine, and forfeiture revenue

(a) Allocation

The Judicial Council must annually allocate 80 percent of the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund under Government Code section 77205(a) that exceeds the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund in fiscal year 2002–2003 to one or more of the following:

- (1) To the trial courts in the counties from which the increased amount is attributable;
- (2) To other trial courts to support trial court operations; or
- (3) For retention in the Trial Court Improvement Fund.

(Subd (a) amended effective January 1, 2007.)

(b) Methodology

The Administrative Office of the Courts must recommend a methodology for the allocation and must recommend an allocation based on this methodology. On approval of a methodology by the Judicial Council, the Administrative Office of the Courts must issue a Finance Memo stating the methodology adopted by the Judicial Council.

(Subd (b) amended effective January 1, 2007.)

Rule 10.105 amended and renumbered effective January 1, 2007; adopted as rule 6.105 effective December 10, 2004.

Chapter 2. Court Security

Rule 10.170. Working Group on Court Security

Rule 10.171. Working Group on Court Security Fiscal Guidelines

Rule 10.170. Working Group on Court Security

(a) Purpose

The Judicial Council has established the Working Group on Court Security. The purpose of the working group is to recommend uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The Working Group on Court Security must also consult with the Administrative Office of the Courts' Office of Court Construction and Management regarding security considerations for court facilities. The Judicial Council, after receiving recommendations from the Working Group on Court Security, may adopt rules, standards, guidelines, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.

(Subd (a) amended effective January 1, 2007.)

(b) Composition

The group is composed as follows:

- (1) Eight representatives from the judicial branch of government selected by the Chief Justice;
- (2) Two representatives of the counties selected by the California State Association of Counties;
- (3) Three representatives of the county sheriffs selected by the California State Sheriffs' Association;
- (4) One representative of labor selected by the California Coalition of Law Enforcement Associations; and
- (5) One representative selected by the Peace Officers Research Association of California.

(c) Chair

The Chief Justice may appoint an appellate court justice to serve as nonvoting chair.

(Subd (c) amended effective January 1, 2007.)

(d) Initial terms

- (1) The initial terms of the members of the working group are as follows:

- (A) Four years for three representatives of the judicial branch, one representative of the counties, one representative of the county sheriffs, one representative of the California Coalition of Law Enforcement Associations, and one representative of the Peace Officers Research Association of California.
 - (B) Three years for three representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.
 - (C) Two years for two representatives of the judicial branch and one representative of the county sheriffs.
- (2) The appointing authority may designate which members are appointed to two-, three-, and four-year terms.

(Subd (d) amended effective January 1, 2007.)

(e) Terms

After the initial terms of members of the working group as provided in (d), the terms of members are three years. The appointing authority may fill any vacancy occurring for the remainder of the term.

(Subd (e) amended effective January 1, 2007.)

Rule 10.170 amended and renumbered effective January 1, 2007; adopted as rule 6.170 effective October 15, 2003.

Rule 10.171. Working Group on Court Security Fiscal Guidelines

(a) Purpose

The Judicial Council has established the Working Group on Court Security Fiscal Guidelines. The purpose of the working group is to consider whether modifications are necessary and appropriate to the template that determines security costs, under Government Code section 69927(a)(1) (“template review”), and to recommend changes to the limit for allowable costs, as stated in Government Code section 69927(a)(5) (“allowable costs review”). Template review may involve, among other items, that part of the template affecting law enforcement or security personnel in courtrooms or court detention facilities (“personnel template review”).

(Subd (a) amended effective January 1, 2007; previously amended effective March 1, 2003, and October 15, 2003.)

(b) Composition

(1) *Composition for allowable costs review and template review, except personnel template review*

In performing allowable costs review and template review, except personnel template review, the group is composed as follows:

- (A) Six representatives from the judicial branch from the Working Group on Court Security established in rule 10.170, as selected by the Administrative Director of the Courts;
- (B) The two representatives of the counties from the Working Group on Court Security established in rule 10.170; and
- (C) The three representatives of the county sheriffs from the Working Group on Court Security established in rule 10.170.

(2) *Composition for personnel template review*

In performing personnel template review, the group is composed as follows:

- (A) The six representatives from the judicial branch of government selected by the Administrative Director of the Courts, under (b)(1)(A);
- (B) The two representatives of the counties under (b)(1)(B);
- (C) Two of the three representatives of the county sheriffs under (b)(1)(C) as determined by the California State Sheriffs' Association; and
- (D) Two representatives of labor selected by the California Coalition of Law Enforcement Associations.

(Subd (b) amended effective January 1, 2007; previously repealed and adopted effective March 1, 2003; previously amended effective October 15, 2003.)

(c) Chair

The Administrative Director of the Courts may designate one of the judicial branch members to be chair of the working group.

(d) Terms

- (1) The initial and subsequent terms of the members of the Working Group on Court Security Fiscal Guidelines who are members because they are members of the working group established in rule 10.170 expire when their terms on that working group expire. The terms of any other members of the Working Group on Court Security Fiscal Guidelines are three years.
- (2) The appointing authority may fill any vacancy occurring for the remainder of the term.

(Subd (d) amended effective January 1, 2007; previously amended effective October 15, 2003.)

Rule 10.171 amended and renumbered effective January 1, 2007; adopted as rule 6.170 effective January 1, 2003; adopted as rule 6.171 effective October 15, 2003.

Chapter 3. Court Facilities

Rule 10.180. Court facilities standards

Rule 10.181. Court facilities policies, procedures, and standards

Rule 10.182. Operation and maintenance of court facilities

Rule 10.183. Decision making on transfer of responsibility for trial court facilities

Rule 10.184. Acquisition, space programming, construction, and design of court facilities

Rule 10.180. Court facilities standards

(a) Development of standards

The Administrative Office of the Courts is responsible for developing and maintaining standards for the alteration, remodeling, renovation, and expansion of existing court facilities and for the construction of new court facilities.

(Subd (a) amended effective April 21, 2006.)

(b) Adoption by the Judicial Council

The standards developed by the Administrative Office of the Courts must be submitted to the Judicial Council for review and adoption as the standards to be used for court facilities in the state. Nonsubstantive changes to the standards may be made by the Administrative Office of the Courts; substantive changes must be submitted to the Judicial Council for review and adoption.

(Subd (b) amended effective April 21, 2006.)

(c) Use of standards

The Judicial Council, the Administrative Office of the Courts, affected courts, and advisory groups on court facilities issues created under these rules must use the standards adopted under (b) in reviewing or recommending proposed alteration, remodeling, renovation, or expansion of an existing court facility or new construction. Courts and advisory groups must report deviations from the standards to the Administrative Office of the Courts through a process established for that purpose.

(Subd (c) amended effective April 21, 2006; previously amended effective June 23, 2004.)

Rule 10.180 renumbered effective January 1, 2007; adopted as rule 6.150 effective July 1, 2002; previously amended effective June 23, 2004, and April 21, 2006.

Rule 10.181. Court facilities policies, procedures, and standards

(a) Responsibilities of the Administrative Office of the Courts

The Administrative Office of the Courts, after consultation with the Court Facilities Transitional Task Force, must prepare and present to the Judicial Council recommendations for policies, procedures, and standards concerning the operation, maintenance, alteration, remodeling, renovation, expansion, acquisition, space programming, design, and construction of appellate and trial court facilities under Government Code sections 69204(c) and 70391(e).

(Subd (a) lettered and amended effective January 1, 2007; adopted as part of unlettered subd.)

(b) Consultations with the affected court and with local governmental and community interests

The policies, procedures, and standards must ensure that decisions are made in consultation with the affected court, when appropriate, and that decisions concerning acquisition, design, and construction of court facilities are made in consultation with local governmental and community interests, when appropriate.

(Subd (b) lettered and amended effective January 1, 2007; adopted as part of unlettered subd.)

Rule 10.181 amended and renumbered effective January 1, 2007; adopted as rule 6.180 effective June 23, 2004; previously amended effective April 21, 2006.

Rule 10.182. Operation and maintenance of court facilities

(a) Intent

The intent of this rule is to allocate responsibility and decision making for the operation and maintenance of court facilities among the courts and the Administrative Office of the Courts.

(b) Responsibilities of the Administrative Office of the Courts

- (1) In addition to those matters expressly authorized by statute, the Administrative Office of the Courts is responsible for:
 - (A) Taking action on the operation of court facilities, including the day-to-day operation of a building and maintenance of a facility. The Administrative Office of the Courts must, in cooperation with the court, perform its responsibilities concerning operation of the court facility to effectively and efficiently support the day-to-day operation of the court system and services of the court. These actions include maintaining proper heating, ventilation, and air conditioning levels; providing functional electrical, fire safety, vertical transportation, mechanical, and plumbing systems through preventive maintenance and responsive repairs; and maintaining structural, nonstructural, security, and telecommunications infrastructures.
 - (B) Preparing and submitting budget allocation proposals to the Judicial Council, as part of the yearly judicial branch budget development cycle, specifying the amounts to be spent for the operation of court facilities as provided in (A).
 - (C) Developing policies, procedures, and guidelines concerning court facilities for submission to the Judicial Council.
- (2) The Administrative Office of the Courts must consult with affected courts concerning the annual operations and maintenance needs assessment, development of annual priorities, and fiscal planning for the operational and maintenance needs of court facilities.
- (3) The Administrative Office of the Courts may, when appropriate, delegate its responsibilities for ongoing operation and management to the court for some or all of the existing court facilities used by that court. Any delegation of responsibility must ensure that:

- (A) The management of court facilities is consistent with the statewide goals and policies of the judicial branch;
 - (B) Access to all court facilities in California is promoted;
 - (C) Facilities decisions are made with consideration of operational costs and enhance economical, efficient, and effective court operations; and
 - (D) Courts have adequate and sufficient facilities and appropriate resources to undertake these delegated tasks.
- (4) The Administrative Office of the Courts must, whenever feasible, seek review and recommendations from the Court Facilities Transitional Task Force before recommending action on appellate and trial court facilities issues to the Judicial Council.

(Subd (b) amended effective January 1, 2007.)

(c) Responsibilities of the courts

- (1) The affected courts must consult with the Administrative Office of the Courts concerning the annual operations and maintenance needs assessment, development of annual priorities, and fiscal planning for the operational and maintenance needs of court facilities, including contingency planning for unforeseen facility maintenance needs.
- (2) Each court to which responsibility is delegated under (b)(3) must report to the Administrative Office of the Courts quarterly or more often, as provided in the delegation. The report must include the activities and expenditures related to the delegation that are specified for reporting in the delegation. Each court must also account to the Administrative Office of the Courts for all expenditures related to the delegation. The Administrative Office of the Courts may conduct an internal audit of any receipts and expenditures.

(Subd (c) amended effective January 1, 2007.)

Rule 10.182 amended and renumbered effective January 1, 2007; adopted as rule 6.181 effective June 23, 2004.

Rule 10.183. Decision making on transfer of responsibility for trial court facilities

(a) Intent

The intent of this rule is to allocate among the Judicial Council, the trial courts, and the Administrative Office of the Courts, responsibility and decision making for the transfer of responsibility for trial court facilities from the counties to the Judicial Council.

(b) Definitions

As used in this rule, the following terms have the same meaning as provided by Government Code section 70301:

- (1) “Court facilities”;
- (2) “Maintenance”;
- (3) “Responsibility for facilities”; and
- (4) “Shared use.”

(Subd (b) amended effective January 1, 2007.)

(c) Responsibilities of the Judicial Council and the Executive and Planning Committee

The Judicial Council must determine the following issues concerning transfer of responsibility of court facilities, except in the case of a need for urgent action between meetings of the council, in which case the Executive and Planning Committee is authorized to act under rule 10.11(d).

- (1) Rejection of transfer of responsibility for a building under Government Code section 70326; and
- (2) A decision to dispose of a surplus court facility under Government Code section 70391(c).

(Subd (c) amended effective January 1, 2007.)

(d) Responsibilities of the Administrative Office of the Courts

The Administrative Office of the Courts is responsible for the following matters related to transfer of responsibility for court facilities, in addition to matters expressly authorized by statute:

- (1) Keeping the courts informed and involved, as appropriate, in the negotiations with the counties for transfer of responsibility for court facilities;
- (2) Except as provided in (c)(1), approving an agreement transferring responsibility for a court facility to the state;
- (3) Administering a shared-use court facility, including:
 - (A) Making a decision to displace a minority county tenant under Government Code section 70344(b);
 - (B) Seeking a change in the amount of court space under Government Code section 70342; and
 - (C) Responding to a county seeking a change in the amount of county space under Government Code section 70342; and
- (4) Auditing the collection of fees by trial courts under Government Code section 70391(d)(1) and the money in local courthouse construction funds under Government Code section 70391(d)(2).

(Subd (d) amended effective January 1, 2007.)

(e) Appeal of county facilities payment amount

The Administrative Director of the Courts must obtain the approval of the Executive and Planning Committee before pursuing correction of a county facilities payment amount under Government Code section 70367. This provision does not preclude the Administrative Director of the Courts from submitting a declaration as required by Government Code section 70367(a). The Administrative Director of the Courts must report to the Executive and Planning Committee any decision not to appeal a county facilities payment amount.

Rule 10.183 amended and renumbered effective January 1, 2007; adopted as rule 6.182 effective June 23, 2004.

Rule 10.184. Acquisition, space programming, construction, and design of court facilities

(a) Intent

The intent of this rule is to allocate responsibility and decision making for acquisition, space programming, construction, and design of court facilities among the courts and the Administrative Office of the Courts.

(b) Responsibilities of the Administrative Office of the Courts

- (1) In addition to those matters expressly provided by statute, the Administrative Office of the Courts is responsible for the acquisition, space programming, construction, and design of a court facility, consistent with the facilities policies and procedures adopted by the Judicial Council and the California Rules of Court.
- (2) The Administrative Office of the Courts must prepare and submit to the Judicial Council separate annual capital outlay proposals for the appellate courts and the trial courts, as part of the yearly judicial branch budget development cycle, specifying the amounts to be spent for these purposes. The capital outlay proposal for the trial courts must specify the money that is proposed to be spent from the State Court Facilities Construction Fund and from other sources. The annual capital outlay proposals must be consistent with the Five-Year Capital Infrastructure Plan or must recommend appropriate changes in the Five-Year Capital Infrastructure Plan. The Administrative Office of the Courts must, whenever feasible, seek review and recommendations from the Court Facilities Transitional Task Force before recommending action to the Judicial Council on these issues.
- (3) The Administrative Office of the Courts must consult with the affected courts concerning the annual capital needs of the courts.

(Subd (b) amended effective January 1, 2007.)

(c) Responsibilities of the courts

- (1) Affected courts must consult with the Administrative Office of the Courts concerning the courts' annual capital needs.
- (2) An affected court must work with the advisory group that is established for any court construction or major renovation project.

(d) Advisory group for construction projects

The Administrative Office of the Courts, in consultation with the leadership of the affected court, must establish and work with an advisory group for each court construction or major renovation project. The advisory group consists of court

judicial officers, other court personnel, and others affected by the court facility. The advisory group must work with the Administrative Office of the Courts on issues involved in the construction or renovation, from the selection of a space programmer and architect through occupancy of the facility.

Rule 10.184 amended and renumbered effective January 1, 2007; adopted as rule 6.183 effective June 23, 2004.

Chapter 4. Management of Claims and Litigation

Rule 10.201. Claim and litigation procedure

Rule 10.202. Claims and litigation management

Rule 10.203. Contractual indemnification

Rule 10.201. Claim and litigation procedure

(a) Definitions

As used in this chapter:

- (1) “Judicial branch entity” is as defined in Government Code section 900.3;
- (2) “Judge” means a judge or justice of a judicial branch entity;
- (3) “Office of the General Counsel” means the Office of the General Counsel of the Administrative Office of the Courts; and
- (4) “Litigation Management Committee” means the Litigation Management Committee of the Judicial Council.

(Subd (a) amended effective January 1, 2007.)

(b) Procedure for action on claims

To carry out the Judicial Council’s responsibility under Government Code section 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, the Office of the General Counsel, under the direction of the Administrative Director of the Courts, must:

- (1) On receipt of a claim, claim amendment, or application for leave to present a late claim forwarded by a judicial branch entity, promptly consult with a

representative of that entity about the merits of the claim, claim amendment, or application for leave to present a late claim;

- (2) Grant or deny an application for leave to present a late claim under Government Code section 911.6(b);
- (3) If determined by the Office of the General Counsel to be appropriate, refer a claim or claim amendment for further investigation to a claims adjuster or other investigator under contract with the Administrative Office of the Courts;
- (4) Reject a claim if it is not a proper charge against the judicial branch entity or judge;
- (5) Allow a claim in the amount justly due as determined by the Office of the General Counsel if it is a proper charge against the judicial branch entity and the amount is less than \$50,000; and
- (6) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims requiring payments of \$50,000 or more.

(Subd (b) amended effective January 1, 2007.)

(c) Allowance and payment of claims

The following may allow and authorize payment of any claim arising out of the activities of a judicial branch entity or judge:

- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$50,000; or
- (2) The Litigation Management Committee, for any claim.

(d) Settlement of lawsuits and payment of judgments

The following may settle lawsuits, after consultation with the affected entity and any judge or employee being defended by the Judicial Council, and authorize payment of judgments arising out of the activities of a judicial branch entity or judge:

- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$50,000 and the lawsuit does not raise important policy issues; or

- (2) The Litigation Management Committee, for any settlement or judgment.

Rule 10.201 amended and renumbered effective January 1, 2007; adopted as rule 6.201 effective January 1, 2003.

Rule 10.202. Claims and litigation management

(a) Intent

The intent of this rule is to:

- (1) Ensure that the trial and appellate courts are provided with timely, quality legal assistance; and
- (2) Promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims that affect the trial and appellate courts and involve justices of the Courts of Appeal or the Supreme Court, trial court judges, subordinate judicial officers, court executive officers or administrators, or employees of the trial and appellate courts.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2003.)

(b) Duties of the Office of the General Counsel

To carry out the duty of the Judicial Council to provide for the representation, defense, and indemnification of justices of the Courts of Appeal or the Supreme Court, judges, subordinate judicial officers, court executive officers and administrators, and trial and appellate court employees under part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, the Office of the General Counsel under the direction of the Administrative Director of the Courts and the General Counsel, must:

- (1) Develop, manage, and administer a litigation management program for investigating and resolving all claims and lawsuits affecting the trial and appellate courts;
- (2) Provide legal assistance to the trial or appellate court, and to any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee who is named as a defendant or responsible party, subject to the defense and indemnification provisions of part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, on receipt of notice of a claim or

lawsuit affecting the trial or appellate court or of a dispute that is likely to result in a claim or lawsuit;

- (3) Select and direct any counsel retained to represent any trial or appellate court, justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2), after consultation with the trial or appellate court and any such individual defendant;
- (4) Make settlement decisions in all claims and lawsuits other than those identified in (5), after consultation with the affected trial or appellate court, and any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2);
- (5) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims or lawsuits requiring payments of \$50,000 or more or raising important policy issues;
- (6) Develop and implement risk avoidance programs for the trial and appellate courts;
- (7) Provide an annual report to the Litigation Management Committee concerning the litigation management program; and
- (8) Provide an annual report to each trial and appellate court concerning claims and lawsuits filed against that trial or appellate court.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2002, and January 1, 2003.)

(c) Duties of trial and appellate courts

The trial and appellate courts must:

- (1) Notify the Office of the General Counsel promptly on receipt of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim or lawsuit filed, against the court, a justice, a judge or subordinate judicial officer, a court executive officer or administrator, or a court employee, and forward the claim and lawsuit to the Office of the General Counsel for handling; and
- (2) Consult with the Office of the General Counsel regarding strategic and settlement decisions in claims and lawsuits.

(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 2002, and January 1, 2003.)

(d) Disagreements about major strategic decisions

Following consultation with the Office of the General Counsel, a presiding judge or administrative presiding justice may object to a proposed decision of the Office of the General Counsel about major strategic decisions, such as retention of counsel and proposed settlements, by presenting to the Office of the General Counsel a written statement of the objection. The Office of the General Counsel must present the written objection to the Litigation Management Committee, which will resolve the objection.

(Subd (d) amended effective January 1, 2007; previously adopted effective January 1, 2003.)

Rule 10.202 amended and renumbered effective January 1, 2007; adopted as rule 6.800 effective January 1, 2001; previously amended effective July 1, 2002; previously renumbered as rule 6.202 effective January 1, 2003.

Rule 10.203. Contractual indemnification

(a) Intent

The intent of this rule is to facilitate the use of contractual indemnities that allocate legal risk and liability to parties that contract with a superior court or Court of Appeal, the Supreme Court, the Judicial Council, or the Administrative Office of the Courts (a “judicial branch entity” as defined in Gov. Code, § 900.3).

(b) Defense and indemnification provisions

Notwithstanding rule 10.14, 10.201, or 10.202, a judicial branch entity may enter into a contract that requires the contractor or the contractor’s insurer to indemnify, defend, and hold harmless the entity and its officers, agents, and employees against claims, demands, liability, damages, attorney fees, costs, expenses, or losses arising from the performance of the contract. Upon receipt of notice of a claim or lawsuit that may be subject to contractual indemnities, the judicial branch entity must notify the Office of the General Counsel, which will manage the claim or lawsuit to obtain the benefits of the contractual indemnities to the extent consistent with the interests of the public and the judicial branch.

(Subd (b) amended effective January 1, 2007.)

Rule 10.203 amended and renumbered effective January 1, 2007; adopted as rule 6.203 effective October 15, 2003.

Chapter 5. Ethics Training

Rule 10.301. Ethics training for Judicial Council members and judicial branch employees

Rule 10.301. Ethics training for Judicial Council members and judicial branch employees

(a) Authority

This rule is adopted under Government Code section 11146 et seq. and article VI, section 6 of the California Constitution.

(Subd (a) amended effective January 1, 2007.)

(b) Definitions

For purposes of this rule, “judicial branch employee” includes an employee of a trial or appellate court or the Administrative Office of the Courts, but does not include court commissioners or referees.

(c) Judicial Council members and judicial branch employees

- (1) The Administrative Office of the Courts must provide an ethics orientation course for Judicial Council members and for judicial branch employees who are required to file a statement of economic interests.
- (2) Judicial Council members must take the orientation course within six months of appointment. If a member is appointed to a subsequent term, he or she must take the course within six months of the reappointment.
- (3) Judicial branch employees who are required to file a statement of economic interests must take the orientation course as follows:
 - (A) For employees who have taken the orientation course before the effective date of this rule, at least once during each consecutive two calendar years after the date of the last attendance.

- (B) For new employees, within six months of becoming an employee and at least once during each consecutive two calendar years thereafter.
- (C) For all other employees, within six months of the effective date of this rule and at least once during each consecutive two calendar years thereafter.

Rule 10.301 amended and renumbered effective January 1, 2007; adopted as rule 6.301 effective January 1, 2004.

Chapter 6. Management of Human Resources

Rule 10.350. Workers' compensation program

Rule 10.350. Workers' compensation program

(a) Intent

The intent of this rule is to:

- (1) Establish procedures for the Administrative Office of the Courts' workers' compensation program for the trial courts; and
- (2) Ensure that the trial courts' workers' compensation coverage complies with applicable law and is cost-efficient.

(Subd (a) amended effective January 1, 2007.)

(b) Duties of the Administrative Office of the Courts

To carry out the duty of the Judicial Council to establish a workers' compensation program for the trial courts, the Administrative Office of the Courts, through its Human Resources Division, must:

- (1) Maintain a contract with a vendor to provide courts, on a voluntary basis, with a cost-efficient workers' compensation coverage program;
- (2) Monitor the performance of the vendor with which it contracts to provide such services;

- (3) Timely notify the trial courts concerning the terms of the workers' compensation coverage program;
- (4) Timely inform the trial courts about the legal requirements with which a workers' compensation program must comply;
- (5) Make personnel available by telephone to consult with trial courts regarding the cost and benefits of the plan being offered by the Administrative Office of the Courts; and
- (6) Review and approve or disapprove any other workers' compensation programs identified by a trial court for consideration as a vendor to provide workers' compensation benefits to its employees.

(Subd (b) amended effective January 1, 2007.)

(c) Duties of the trial courts

- (1) Each trial court that elects to participate in the program made available through the Administrative Office of the Courts must:
 - (A) Timely notify the Human Resources Division of its decision to participate in the workers' compensation program being offered through the Administrative Office of the Courts;
 - (B) Timely complete and return necessary paperwork to the Human Resources Division; and
 - (C) Timely pay all costs associated with the program.
- (2) Each trial court that elects not to participate in the workers' compensation program available through the Administrative Office of the Courts must:
 - (A) Independently identify a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner;
 - (B) Timely submit to the Human Resources Division for its approval the information necessary to evaluate the workers' compensation program identified by the trial court to provide benefits for its employees; and

- (C) Maintain a contract with a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner.

(Subd (c) amended effective January 1, 2007.)

Rule 10.350 amended and renumbered effective January 1, 2007; adopted as rule 6.302 effective January 1, 2005.

Chapter 7. Court Technology, Information, and Automation

Rule 10.400. Judicial Branch Statistical Information System (JBSIS)

Rule 10.400. Judicial Branch Statistical Information System (JBSIS)

(a) Purpose of rule

Consistent with article VI, section 6 of the California Constitution and Government Code section 68505, the Judicial Branch Statistical Information System (JBSIS) is established by the Judicial Council to provide accurate, consistent, and timely information for the judicial branch, the Legislature, and other state agencies that require information from the courts to fulfill their mandates.

(Subd (a) amended effective January 1, 2007.)

(b) Reporting required

Each trial court must collect and report to the Judicial Council information according to its capability and level of automation as prescribed by the *JBSIS Manual* adopted by the Judicial Council.

(Subd (b) amended effective January 1, 2007.)

(c) Automated JBSIS collection and reporting

By July 1, 1998, each trial court must develop a plan for meeting reporting requirements prescribed by the *JBSIS Manual*. By January 1, 2001, subject to adequate funding being made available, each trial court must develop, upgrade, replace, or procure automated case management systems needed to meet or exceed JBSIS data collection and reporting requirements prescribed by the *JBSIS Manual*.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2000.)

Rule 10.400 amended and renumbered effective January 1, 2007; adopted as rule 996 effective January 1, 1998; previously amended effective January 1, 2000.

Chapter 8. Minimum Education Requirements and Expectations

Rule 10.451. Judicial branch education

Rule 10.452. Minimum education requirements and expectations

Rule 10.461. New Court of Appeal justices

Rule 10.462. Trial court judges and subordinate judicial officers

Rule 10.463. Trial court executive officers

Rule 10.464. Trial court managers, supervisors, and personnel

Rule 10.471. Approved providers; approved course criteria

Rule 10.451. Judicial branch education

(a) Purpose

Judicial branch education for all justices, judges, subordinate judicial officers, and court personnel is essential to enhance the fair, effective, and efficient administration of justice. Participation in education activities is part of the official duties of judicial officers and court personnel. Judicial branch education is acknowledged as a vital component in achieving the goals of the Judicial Council's Long-Range Strategic Plan, which include access, fairness, and diversity; branch independence and accountability; modernization of management and administration; and quality of justice and service to the public. The responsibility for planning, conducting, and overseeing judicial branch education properly resides in the judicial branch.

(b) Education objectives

Justices, judges, subordinate judicial officers, court personnel, education committees, and others who plan and deliver education will endeavor to achieve the following objectives:

- (1) To provide justices, judges, subordinate judicial officers, and court personnel with the knowledge, skills, and abilities required to perform their responsibilities competently, fairly, and efficiently;

- (2) To ensure that education, including opportunities for orientation, continuing education, and professional development, is available to all justices, judges, subordinate judicial officers, and court personnel;
- (3) To assist justices, judges, subordinate judicial officers, and court personnel in preserving the integrity and impartiality of the judicial system through their efforts to ensure that all members of the public have equal access to the courts and equal ability to participate in court proceedings and are treated in a fair and just manner;
- (4) To promote the adherence of justices, judges, subordinate judicial officers, and court personnel to the highest ideals of personal and official conduct, as set forth in the California Code of Judicial Ethics and the Code of Ethics for the Court Employees of California;
- (5) To improve the administration of justice, reduce court delay, and promote fair and efficient management of court proceedings;
- (6) To promote standardized court practices and procedures; and
- (7) To implement the recommendations adopted by the Judicial Council in the California Standards of Judicial Administration.

Rule 10.451 adopted effective January 1, 2007.

Rule 10.452. Minimum education requirements and expectations

(a) Purpose

Justices, judges, and subordinate judicial officers are entrusted by the public with the impartial and knowledgeable handling of proceedings that affect the freedom, livelihood, and happiness of the people involved. Court personnel assist justices, judges, and subordinate judicial officers in carrying out their responsibilities and must provide accurate and timely services to the public. Each justice, judge, and subordinate judicial officer and each court staff member is responsible for maintaining and improving his or her professional competence. To assist them in enhancing their professional competence, the judicial branch will develop and maintain a comprehensive and high-quality education program, including minimum education requirements and expectations, to provide educational opportunities for all justices, judges, subordinate judicial officers, and court personnel.

(b) Goals

The minimum education requirements and expectations set forth in rules 10.461–10.464 are intended to achieve two complementary goals:

- (1) To ensure that both individuals who are new to the bench or the court and those who are experienced on the bench or court but are beginning a new assignment or role obtain education on the tasks, skills, abilities, and knowledge necessary to be successful in the new roles; and
- (2) To establish broad parameters, based on time, for continuing education for individuals who are experienced both on the bench or court and in their assignments or roles, preserving the ability of the individual, working with the presiding judge or court executive officer, to determine the appropriate content and provider.

(c) Relationship to education standards

The education requirements and expectations set forth in rules 10.461–10.464 are minimums. Justices, judges, and subordinate judicial officers should participate in more judicial education than is required and expected, in accordance with the judicial education standards set forth in standards 10.10–10.14 of the California Standards of Judicial Administration. Court executive officers and other court personnel should participate in more education than is required, in accordance with the education standards set forth in standard 10.15 of the California Standards of Judicial Administration.

(d) Responsibilities of administrative presiding justices

Each administrative presiding justice:

- (1) Must grant sufficient leave to new Court of Appeal justices to enable them to complete the minimum education requirements stated in rule 10.461;
- (2) To the extent compatible with the efficient administration of justice, must grant to all justices sufficient leave to participate in education programs consistent with standard 10.11 of the California Standards of Judicial Administration;
- (3) Should establish an education plan for his or her court to facilitate the involvement of justices as both participants and faculty in judicial education activities; and
- (4) Must ensure that Court of Appeal justices are reimbursed by their court in accordance with the travel policies issued by the Administrative Office of the

Courts for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Administrative Office of the Courts; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The administrative presiding justice may approve reimbursement of travel expenses incurred by Court of Appeal justices in attending out-of-state education programs as a participant.

(e) Responsibilities of presiding judges

Each presiding judge:

- (1) Must grant sufficient leave to all judges and subordinate judicial officers and to the court executive officer to enable them to complete the minimum education requirements and expectations stated in rules 10.462 and 10.463, respectively;
- (2) To the extent compatible with the efficient administration of justice, must grant to all judges and subordinate judicial officers and to the court executive officer sufficient leave to participate in education programs consistent with standards 10.11–10.14 and 10.15 of the California Standards of Judicial Administration;
- (3) Should establish an education plan for his or her court to facilitate the involvement of judges, subordinate judicial officers, and the executive officer as both participants and faculty in education activities and should consult with each judge, each subordinate judicial officer, and the executive officer regarding their education needs and requirements related to their current and future assignments;
- (4) Should use his or her assignment powers to enable all judges and subordinate judicial officers, particularly those assigned to specific calendar courts, to participate in educational activities;
- (5) Must ensure that judges, subordinate judicial officers, and the court executive officer are reimbursed by their court in accordance with the Trial Court Financial Policies and Procedures Manual for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Administrative Office of the Courts; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The presiding judge may approve reimbursement of travel expenses incurred

by judges, subordinate judicial officers, and the court executive officer in attending out-of-state education programs as a participant; and

- (6) Must retain the records and cumulative histories of participation provided by judges. These records and cumulative histories are subject to periodic audit by the Administrative Office of the Courts (AOC). The presiding judge must report the data from the records and cumulative histories on an aggregate basis to the Judicial Council, on a form provided by the Judicial Council, within six months after the end of each three-year period.

(f) Responsibilities of court executive officers, managers, and supervisors

Each court's executive officer, managers, and supervisors:

- (1) Must grant sufficient leave to all court personnel to enable them to complete the minimum education requirements stated in rule 10.464;
- (2) To the extent compatible with the efficient administration of justice, must grant to all court personnel sufficient leave to participate in education programs consistent with standard 10.15 of the California Standards of Judicial Administration; and
- (3) Should establish an education plan for their court to facilitate the involvement of court personnel as both participants and faculty in educational activities, and should consult with each court staff member regarding his or her education needs and requirements and professional development.
- (4) Must ensure that managers, supervisors, and other court personnel are reimbursed by their court in accordance with the Trial Court Financial Policies and Procedures Manual for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Administrative Office of the Courts; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The court executive officer may approve reimbursement of travel expenses incurred by managers, supervisors, and other court personnel in attending out-of-state education programs as a participant.

Rule 10.452 adopted effective January 1, 2007.

Rule 10.461. New Court of Appeal justices

Each new Court of Appeal justice, within two years of confirmation of appointment, must attend a new appellate judge orientation program sponsored by a national provider of appellate orientation programs or by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research.

Rule 10.461 adopted effective January 1, 2007.

Advisory Committee Comment

The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed, are carried forward without change in rule 10.461.

Rule 10.462. Trial court judges and subordinate judicial officers

(a) Applicability

All California trial court judges must complete the minimum judicial education requirements for new judges under (c)(1) and are expected to participate in continuing education as outlined under (d). All subordinate judicial officers must complete the minimum education requirements for new subordinate judicial officers under (c)(1) and for continuing education as outlined under (d).

(b) Definitions

Unless the context or subject matter otherwise requires, “subordinate judicial officers” as used in this rule means subordinate judicial officers as defined in rule 10.701.

(c) Content-based requirements

- (1) Each new trial court judge and subordinate judicial officer must complete the following “new judge education” provided by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER):
 - (A) The New Judge Orientation program within six months of taking the oath as a judge or subordinate judicial officer;

- (B) An orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and
 - (C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer.
- (2) Each new supervising judge is expected to complete the following education:
 - (A) For a judge who has administrative responsibility, CJER's Supervising Judges Overview course within one year of beginning the supervising judge role, preferably before beginning the role;
 - (B) For a judge who has calendar management responsibility, a calendar management overview course, provided either by the local court or by CJER, within one year of beginning the supervising judge role, preferably before beginning the role;
 - (C) For a judge who has both administrative and calendar management responsibility, both overview courses within one year of beginning the role.
- (3) Each new presiding judge is expected to complete CJER's Presiding Judges Orientation and Court Management Program within one year of beginning the presiding judge role, preferably before beginning the role.
- (4) Each judge is expected to and each subordinate judicial officer must, if beginning a new primary assignment—unless he or she is returning to an assignment after less than two years in another assignment—complete a course on the new primary assignment, provided by CJER, the California Judges Association (CJA), or the local court, within six months of beginning the new assignment. CJER is responsible for identifying content for these courses and will share the identified content with CJA and the local courts.

(d) Hours-based continuing education

- (1) Each judge is expected to and each subordinate judicial officer must complete 30 hours of continuing judicial education every three years, beginning on the dates outlined:
 - (A) A new judge or new subordinate judicial officer enters the three-year continuing education period on January 1 of the year following completion of the required new judge education; continuing education

expectations for judges and requirements for subordinate judicial officers are prorated based on the number of years remaining in the three-year period.

- (B) For all other judges and subordinate judicial officers, the first three-year period begins on January 1, 2007.
- (2) The following education applies toward the expected or required 30 hours of continuing judicial education:
 - (A) The content-based courses under (c)(2), (3), and (4) for a new supervising judge, a new presiding judge, and a judge or subordinate judicial officer beginning a new primary assignment; and
 - (B) Any other education offered by a provider listed in rule 10.471(a) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the presiding judge as meeting the criteria listed in rule 10.471(b).
- (3) Each hour of participation in traditional (face-to-face) education, distance education such as broadcast and videoconference courses, online coursework, and self-directed study counts toward the continuing education expectation or requirement on an hour-for-hour basis. The hours applied for participation in online coursework and self-directed study are limited to a combined total of 7 hours in each three-year period; this limit is prorated for individuals who enter the three-year period after it has begun.
- (4) A judge or subordinate judicial officer who serves as faculty for a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel) may apply the following hours of faculty service: 3 hours for each hour of presentation the first time a given course is presented and 2 hours for each hour of presentation each subsequent time that course is presented. The hours applied for faculty service are limited to 15 in each three-year period; this limit is prorated for individuals who enter the three-year period after it has begun.
- (5) The presiding judge may require subordinate judicial officers to participate in specific courses or participate in education in a specific subject matter area as part of their continuing education.

(e) Extension of time

- (1) For good cause, a presiding judge may grant an extension of time to complete the education expectations or requirements in (c)(2)–(4) and the continuing education expectation or requirement in (d) as follows:
 - (A) A time extension to complete the content-based expectations or requirements in (c)(2)–(4) is limited to the original time period provided for completion—that is, one year, one year, or six months, respectively.
 - (B) A time extension to complete the hours-based continuing education expectation or requirement in (d) is limited to one year.
- (2) If the presiding judge grants a request for an extension of time, the judge or subordinate judicial officer, in consultation with the presiding judge, should also pursue interim means of obtaining relevant educational content.
- (3) An extension of time to complete the hours-based continuing education expectation or requirement does not affect what is expected or required in the next three-year period.

(f) Records and summaries of participation for judges

Each judge is responsible for:

- (1) Tracking his or her own participation in education and keeping a record of participation, on a form provided by the Judicial Council, for three years after each course or activity that is applied toward the requirements and expectations;
- (2) At the end of each year, giving the presiding judge a copy of his or her record of participation in education for that year, on a form provided by the Judicial Council; and
- (3) At the end of each three-year period, giving the presiding judge a copy of his or her record of participation in education for that year and a cumulative history of participation for that three-year period, on a form provided by the Judicial Council.

(g) Records of participation for subordinate judicial officers

- (1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its subordinate judicial officers.

- (2) Each subordinate judicial officer must keep records of his or her own participation for three years after each course or activity that is applied toward the requirements.

Rule 10.462 adopted effective January 1, 2007.

Advisory Committee Comment

The minimum judicial education requirements in rule 10.462 do not apply to retired judges seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who seek to serve in the Assigned Judges Program must comply with the Chief Justice's Standards and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

Rule 10.463. Trial court executive officers

(a) Applicability

All California trial court executive officers must complete these minimum education requirements.

(b) Content-based requirement

- (1) Each new executive officer must complete the Presiding Judges Orientation and Court Management Program provided by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER) within one year of becoming an executive officer and should participate in additional education during the first year.
- (2) Each executive officer should participate in CJER's Presiding Judges Orientation and Court Management Program each time a new presiding judge from his or her court participates in the course and each time the executive officer becomes the executive officer in a different court.

(c) Hours-based requirement

- (1) Each executive officer must complete 30 hours of continuing education every three years beginning on the following date:
 - (A) For a new executive officer, the first three-year period begins on January 1 of the year following completion of the required education for new executive officers.
 - (B) For all other executive officers, the first three-year period begins on January 1, 2007.

- (2) The following education applies toward the required 30 hours of continuing education:
- (A) Any education offered by a provider listed in rule 10.471(a) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the presiding judge as meeting the criteria listed in rule 10.471(b).
 - (B) Each hour of participation in traditional (face-to-face) education, distance education such as broadcast and videoconference courses, online coursework, and self-directed study counts toward the requirement on an hour-for-hour basis. The hours applied for participation in online coursework and self-directed study are limited to a combined total of 7 hours in each three-year period.
 - (C) An executive officer who serves as faculty for a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel) may apply the following hours of faculty service: 3 hours for each hour of presentation the first time a given course is presented and 2 hours for each hour of presentation each subsequent time that course is presented. The hours applied for faculty service are limited to 15 in each three-year period.

(d) Extension of time

- (1) For good cause, a presiding judge may grant a one-year extension of time to complete the education requirements in (b) and (c).
- (2) If the presiding judge grants a request for an extension of time, the executive officer, in consultation with the presiding judge, must also pursue interim means of obtaining relevant educational content.
- (3) An extension of time to complete the hours-based requirement does not affect the timing of the executive officer's next three-year period.

(e) [Record of participation; statement of completion]

Each executive officer is responsible for:

- (1) Tracking his or her own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements;

- (2) At the end of each year, giving the presiding judge a copy of his or her record of participation in education for that year; and
- (3) At the end of each three-year period, giving the presiding judge a signed statement of completion for that three-year period.

Rule 10.463 adopted effective January 1, 2007.

Rule 10.464. Trial court managers, supervisors, and personnel

(a) Applicability

All California trial court managers, supervisors, and personnel must complete these minimum education requirements.

(b) Content-based requirements

- (1) Each new manager or supervisor must complete orientation courses within six months of becoming a manager or supervisor, unless the court's executive officer determines that the new manager or supervisor has already completed these orientation courses or courses covering equivalent content. The courses must include orientation to:
 - (A) The judicial branch of California;
 - (B) The local court; and
 - (C) Basic management and supervision.
- (2) Each new court employee who is not a manager or supervisor must complete orientation courses within six months of becoming a court employee, unless the employee's supervisor determines that the new court employee has already completed these orientation courses or courses covering equivalent content. The courses must include orientation to:
 - (A) The judicial branch of California;
 - (B) The local court; and
 - (C) Basic employee issues, such as sexual harassment and safety; and
 - (D) The employee's specific job.

- (3) The court executive officer may determine the appropriate content, delivery mechanism, and length of orientation based on the needs and role of each individual employee.

(c) Hours-based requirements

- (1) Each court manager or supervisor must complete 12 hours of continuing education every two years.
- (2) Each court employee who is not a manager or supervisor must complete 8 hours of continuing education every two years, with the exception of employees who do not provide court administrative or operational services. Those employees are not subject to the continuing education hours-based requirement but must complete any education or training required by law and any other education required by the court executive officer.
- (3) The first two-year period for all court managers, supervisors, and personnel begins on January 1, 2007. The orientation education required for new managers, supervisors, and personnel under (b) does not apply toward the required hours of continuing education because it must be completed before they enter the two-year period. Each new manager, supervisor, or employee enters the two-year continuing education period on the first day of the quarter following his or her completion of the orientation education required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each manager, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.
- (4) Any education offered by a provider listed in rule 10.471(a) and any other education, including education taken to satisfy a statutory, rules-based, or other education requirement, that is approved by the executive officer or the employee's supervisor as meeting the criteria listed in rule 10.471(b) applies toward the orientation education required under (b) and the continuing education required under (c)(1) and (2).
- (5) Each hour of participation in traditional (face-to-face) education, distance education such as broadcast and videoconference courses, and online coursework counts toward the requirement on an hour-for-hour basis. The hours applied for participation in online coursework are limited to a total of 4 hours for managers and supervisors and to a total of 3 hours for other personnel in each two-year period; these limits are prorated for individuals

who enter the two-year period after it has begun. Self-directed study is encouraged for professional development but does not apply toward the required hours.

- (6) A manager, supervisor, or employee who serves as faculty for a California court-based audience (i.e., justices, judges, subordinate judicial officers, temporary judges, or court personnel) may apply the following hours of faculty service: 3 hours for each hour of presentation the first time a given course is presented and 2 hours for each hour of presentation each subsequent time that course is presented. The hours applied for faculty service are limited to 6 hours for managers and supervisors and to 4 hours for other personnel in each two-year period; these limits are prorated for individuals who enter the two-year period after it has begun.
- (7) The court executive officer may require managers, supervisors and other court personnel to participate in specific courses or to participate in education in a specific subject matter area as part of their continuing education.

(d) Extension of time

- (1) For good cause, the executive officer or a supervisor, if delegated by the executive officer, may grant a six-month extension of time to complete the education requirements in this rule.
- (2) If the executive officer or supervisor grants a request for an extension of time, the manager, supervisor, or employee who made the request, in consultation with the executive officer or supervisor, must also pursue interim means of obtaining relevant educational content.
- (3) An extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

(e) Records of participation

- (1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its managers, supervisors, and other personnel.
- (2) Each manager, supervisor, and employee must keep records of his or her own participation for two years after each course or activity that is applied toward the requirements.

Rule 10.464. adopted effective January 1, 2007.

Rule 10.471. Approved providers; approved course criteria

(a) Approved providers

Any education program offered by any of the following providers that is relevant to the work of the courts or enhances the individual participant's ability to perform his or her job may be applied toward the education requirements stated in rule 10.462(d), 10.463(c), or 10.464(b)–(c):

- (1) California Administrative Office of the Courts;
- (2) California Judges Association;
- (3) Supreme Court of California;
- (4) California Courts of Appeal;
- (5) Superior Courts of California;
- (6) State Bar of California;
- (7) National Judicial College;
- (8) National Center for State Courts;
- (9) National Council of Juvenile and Family Court Judges;
- (10) National Association of Women Judges;
- (11) American Bar Association;
- (12) National Association for Court Management;
- (13) American Judges Association;
- (14) American Academy of Judicial Education;
- (15) Dwight D. Opperman Institute of Judicial Administration;
- (16) National Institute of Justice;
- (17) Law schools accredited by the American Bar Association;

- (18) Accredited colleges and universities;
- (19) Continuing Education of the Bar—California;
- (20) Local California bar associations;
- (21) California Court Association; and
- (22) Superior Court Clerks' Association of the State of California.

(b) Approved education criteria

Education is not limited to the approved providers listed in (a). Any education from a provider not listed in (a) that is approved by the presiding judge as meeting the criteria listed below may be applied toward the continuing education expectations and requirements for judges and subordinate judicial officers or requirements for court executive officers stated in rule 10.462(d) or 10.463(c), respectively. Similarly, any education from a provider not listed in (a) that is approved by the court executive officer or by the employee's supervisor as meeting the criteria listed below may be applied toward the orientation or continuing education requirements for managers, supervisors, and employees in rule 10.464(b) and (c)(1), (2).

- (1) The education must meet the following three criteria:
 - (A) The subject matter is relevant to the work of the courts or the judicial branch;
 - (B) The education is at least one hour in length; and
 - (C) Anticipated learning outcomes (how new knowledge, skills, or abilities will be applied, demonstrated, or used) are identified prior to the education work.
- (2) The education must also meet at least two of the following five criteria:
 - (A) The learning environment is educationally sound (e.g., distractions are limited and the physical location is conducive to learning the subject matter);
 - (B) The participant receives or has access to all the reference tools and other materials and resources (such as handouts) that are required for learning and applying the content (such as job aids or scripts);

- (C) The participant has an opportunity to practice using or applying the new information or skill (through direct experience, role play, or case studies/hypothetical situations) as part of the learning experience;
- (D) The participant has the opportunity to interact with knowledgeable faculty or other experts in the topical area to pose questions or clarify understanding;
- (E) An assessment tool or activity (such as the development of an action plan to apply the newly gained knowledge or skill) enables the participant to determine whether the skills, abilities, or knowledge gained through the education can be used in the future in his or her work.

Rule 10.471 adopted effective January 1, 2007.

Division 3. Judicial Administration Rules Applicable to All Courts

Rule 10.501. [Repealed 2007]

Rule 10.502. Judicial sabbatical pilot program

Rule 10.503. Use of recycled paper by all courts

Rule 10.504. Smoking prohibited in all courts

Rule 10.505. Judicial robes

Rule 10.501. Repealed 2007.

Rule 10.501 repealed effective January 1, 2007; adopted as rule 970 effective January 1, 1996. The repealed rule related to judicial education.

Rule 10.502. Judicial sabbatical pilot program

(a) Objective

Sabbatical leave is a privilege available to jurists by statute. The objective of sabbatical leave is to facilitate study, teaching, research, or another activity that will benefit the administration of justice and enhance judges' performance of their duties.

(b) Eligibility

- (1) A judge or justice is eligible to apply for a paid sabbatical under Government Code section 77213 if:
 - (A) He or she has served for at least seven years as a California judicial officer, including service as a subordinate judicial officer;
 - (B) He or she has not taken a sabbatical within seven years of the date of the proposed sabbatical; and
 - (C) He or she agrees to continue to serve as a judicial officer for at least three years after the sabbatical.
- (2) Any judge is eligible to apply for an unpaid sabbatical under Government Code section 68554.

(c) Application

- (1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director of the Courts with a copy to the presiding judge or justice.
- (2) The sabbatical proposal must include:
 - (A) The judge's certification that he or she meets the eligibility requirements established in (b);
 - (B) The beginning and ending dates of the proposed sabbatical;
 - (C) A description of the sabbatical project, including an explanation of how the sabbatical will benefit the administration of justice and the judge's performance of his or her duties; and
 - (D) A statement from the presiding judge or justice of the affected court, indicating approval or disapproval of the sabbatical request and the reasons for such approval or disapproval, forwarded to the Judicial Sabbatical Review Committee with a copy to the judge.

(Subd (c) amended effective January 1, 2007.)

(d) Judicial Sabbatical Review Committee

A Judicial Sabbatical Review Committee will be appointed to make recommendations to the Judicial Council regarding sabbatical requests.

(1) *Membership*

The committee must include at least one member from each of the following groups:

- (A) Administrative Presiding Justices Advisory Committee;
- (B) Trial Court Presiding Judges Advisory Committee;
- (C) Court Executives Advisory Committee;
- (D) Governing Committee of the Center for Judicial Education and Research;
- (E) Judicial Service Advisory Committee; and
- (F) California Judges Association (liaison).

(2) *Staffing*

The committee will be staffed by the Human Resources Division of the Administrative Office of the Courts and may elect its chair and vice-chair.

(Subd (d) amended effective January 1, 2007.)

(e) Evaluation

- (1) The Administrative Director of the Courts must forward all sabbatical requests that comply with (c) to the Judicial Sabbatical Review Committee.
- (2) The Judicial Sabbatical Review Committee must recommend granting or denying the sabbatical request after it considers the following factors:
 - (A) Whether the sabbatical will benefit the administration of justice in California and the judge's performance of his or her duties; and
 - (B) Whether the sabbatical leave will be detrimental to the affected court.
- (3) The Judicial Sabbatical Review Committee may recommend an unpaid sabbatical if there is insufficient funding for a paid sabbatical.

(f) Length

- (1) A paid sabbatical taken under Government Code section 77213 may not exceed 120 calendar days. A judge may be allowed to add unpaid sabbatical time onto the end of a paid sabbatical if the purpose of the unpaid sabbatical is substantially similar to the work of the paid sabbatical.
- (2) An unpaid sabbatical taken under Government Code section 68554 may not exceed one year.

(g) Ethics and compensation

A judge on sabbatical leave is subject to the California Code of Judicial Ethics and, while on a paid sabbatical, must not accept compensation for activities performed during that sabbatical leave but may receive reimbursement for the expenses provided in canon 4H(2) of the Code of Judicial Ethics.

(h) Judge's report

On completion of a sabbatical leave, the judge must report in writing to the Judicial Council on how the leave benefited the administration of justice in California and on its effect on his or her official duties as a judicial officer.

(Subd (h) amended effective January 1, 2007.)

(i) Retirement and benefits

- (1) A judge on a paid sabbatical leave under Government Code section 77213 continues to receive all the benefits of office and accrues service credit toward retirement.
- (2) A judge on unpaid sabbatical leave under Government Code section 68554 receives no compensation, and the period of absence does not count as service toward retirement. The leave does not affect the term of office.

(j) Judicial assignment replacement

Funds must be made available from the Judicial Administration Efficiency and Modernization Fund to allocate additional assigned judges to those courts whose judges' requests for paid sabbaticals are approved.

Rule 10.502 amended and renumbered effective January 1, 2007; adopted as rule 6.151 effective January 1, 2003.

Rule 10.503. Use of recycled paper by all courts

All courts must use recycled paper for all purposes except for uses for which recycled paper is not practically available.

Rule 10.503 amended and renumbered effective January 1, 2007; adopted as rule 989.1 effective January 1, 1994.

Rule 10.504. Smoking prohibited in all courts

(a) Definition

“Court facilities” means courthouses and all areas of multipurpose buildings used for court operations.

(b) Smoking prohibited

Smoking is prohibited in all court facilities.

(Subd (b) amended effective January 1, 2007.)

(c) Signs

Conspicuous no-smoking signs must be placed in all court facilities.

(Subd (c) amended effective January 1, 2007.)

Rule 10.504 amended and renumbered effective January 1, 2007; adopted as rule 989.5 effective July 1, 1991

Rule 10.505. Judicial robes

(a) Color and length

The judicial robe required by Government Code section 68110 must be black, must extend in front and back from the collar and shoulders to below the knees, and must have sleeves to the wrists.

(Subd (a) amended and lettered effective January 1, 2007; adopted as subd (e) effective September 24, 1959; relettered as subd (d) effective July 1, 1963; amended as an unlettered subd effective January 1, 2003.)

(b) Style

The judicial robe must conform to the style customarily worn in courts in the United States.

(Subd (b) amended and lettered effective January 1, 2007; adopted as subd (e) effective September 24, 1959; relettered as subd (d) effective July 1, 1963; amended as an unlettered subd effective January 1, 2003.)

Rule 10.505 amended and renumbered effective January 1, 2007; adopted as rule 249 effective January 1, 1949; previously amended effective September 24, 1959, and July 1, 1963; amended and renumbered as rule 299 effective January 1, 2003.

Division 4. Trial Court Administration

Chapter 1. General Rules on Trial Court Management

Rule 10.601. Superior court management

Rule 10.602. Selection and term of presiding judge

Rule 10.603. Authority and duties of presiding judge

Rule 10.605. Executive committee

Rule 10.608. Duties of all judges

Rule 10.610. Duties of court executive officer

Rule 10.611. Nondiscrimination in court appointments

Rule 10.612. Use of gender-neutral language

Rule 10.613. Local court rules—adopting, filing, distributing, and maintaining

Rule 10.614. Local court forms

Rule 10.620. Public access to administrative decisions of trial courts

Rule 10.625. Certain demographic data relating to regular grand jurors

Rule 10.630. Reporting of reciprocal assignment orders

Rule 10.601. Superior court management

(a) Purpose

The rules in this division establish a system of trial court management that:

- (1) Promotes equal access to the courts;
- (2) Establishes decentralized management of trial court resources; and

- (3) Enables the trial courts to operate in an efficient, effective, and accountable manner in serving the people of California.

(Subd (a) amended effective January 1, 2007.)

(b) Goals

The rules in this division are intended to ensure the authority and responsibility of the superior courts to do the following, consistent with statutes, rules of court, and standards of judicial administration:

- (1) Manage their day-to-day operations with sufficient flexibility to meet the needs of those served by the courts;
- (2) Establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners;
- (3) Manage their personnel systems, including the adoption of personnel policies;
- (4) Manage their budget and fiscal operations, including allocating funding and moving funding between functions or line items;
- (5) Provide input to the Judicial Council, the Trial Court Budget Working Group, and the Administrative Office of the Courts on the trial court budget process; and
- (6) Develop and implement processes and procedures to improve court operations and responsiveness to the public.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(c) Decentralized management

“Decentralized management” as used in the rules in this division refers to the administration of the trial courts on a countywide basis, unless an alternative structure has been approved by the Judicial Council, consistent with applicable statutes, rules, and standards of judicial administration.

(Subd (c) amended effective January 1, 2007.)

Rule 10.601 amended and renumbered effective January 1, 2007; adopted as rule 2501 effective July 1, 1998; renumbered as rule 6.601 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.602. Selection and term of presiding judge

(a) Selection

(1) *Courts with three or more judges*

Each court that has three or more judges must select a presiding judge. Selection of the presiding judge may be by secret ballot. The court should establish an internal local rule or policy for the selection of the presiding judge and assistant presiding judge, if any.

(2) *Two-judge courts*

In a court having two judges, the selection of the presiding judge must conform to Government Code section 69508.5. If selection cannot be agreed on and neither judge has at least four years of experience, the senior judge must hold the office of presiding judge until both judges have at least four years of experience.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(b) Requisite experience and waiver

A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's:

- (1) Management and administrative ability;
- (2) Interest in serving in the position;
- (3) Experience and familiarity with a variety of trial court assignments;
- (4) Ability to motivate and educate other judicial officers and court personnel;
- (5) Ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court; and
- (6) Other appropriate factors.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(c) Term

A presiding judge in a court with two judges must be elected for a term of not less than one year. A presiding judge in a court with three or more judges must be elected for an initial term of not less than two years. The presiding judge may be elected for additional terms. The court may change the duration of the initial or additional term by local rule or policy so long as the initial term is not less than the duration specified in this rule. A presiding judge may be removed by a majority vote of the judges of the court.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(d) Assistant presiding judge and acting presiding judge

- (1) The court may elect an assistant presiding judge.
- (2) If the court's internal local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge must designate one.
- (3) The court should provide the assistant presiding judge with training to foster an orderly succession to the office of presiding judge.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(e) Caseload adjustment

To the extent possible, the judicial caseload should be adjusted to provide the presiding judge with sufficient time and resources to devote to the management and administrative duties of the office.

Rule 10.602 amended and renumbered effective January 1, 2007; adopted as rule 6.602 effective January 1, 2001; previously amended effective January 1, 2005.

Advisory Committee Comment

The internal local rule described in this rule relates only to the internal management of the court, and as such is exempt from the requirements in rule 10.613. (See rule 10.613(j).)

Rule 10.603. Authority and duties of presiding judge

(a) General responsibilities

The presiding judge is responsible, with the assistance of the court executive officer, for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public. The presiding judge is responsible for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court;
- (2) Ensuring that the duties of all judges specified under rule 10.608 are timely and orderly performed; and
- (3) Ensuring that the court has adopted written policies and procedures allowing the presiding judge to perform efficiently the administrative duties of that office.

(Subd (a) amended effective January 1, 2007.)

(b) Authority

- (1) The presiding judge is authorized to:
 - (A) Assign judges to departments and designate supervising judges for divisions, districts, or branch courts;
 - (B) Apportion the business of the court, including assigning and reassigning cases to departments;
 - (C) Call meetings of the judges;
 - (D) Appoint standing and special committees of judges;
 - (E) Act as the spokesperson for the court;
 - (F) Authorize and direct expenditures from the court's Trial Court Operations Fund; and
 - (G) Perform all acts necessary to accomplish the duties specified by the rules of court.

- (2) No local rule or policy may limit the authority of the presiding judge as granted in the rules of court.

(Subd (b) amended effective January 1, 2007.)

(c) Duties

(1) Assignments

The presiding judge has ultimate authority to make judicial assignments. The presiding judge must:

- (A) Designate a judge to preside in each department, including a master calendar judge when appropriate, and designate a presiding judge of the juvenile division and a supervising judge for each division, district, or branch court. In making judicial assignments, the presiding judge must take into account the following:
 - (i) The needs of the public and the court, as they relate to the efficient and effective management of the court's calendar;
 - (ii) The knowledge and abilities demanded by the assignment;
 - (iii) The judge's judicial and nonjudicial experience, including specialized training or education;
 - (iv) The judge's interests;
 - (v) The need for continuity in the assignment;
 - (vi) The desirability of exposing the judge to a particular type of assignment; and
 - (vii) Other appropriate factors. Judicial assignments must not be based solely or primarily on seniority;
- (B) Assign to a master calendar judge any of the duties that may more appropriately be performed by that department;
- (C) Supervise the court's calendar, apportion the business of the court among the several departments of the court as equally as possible, and publish for general distribution copies of a current calendar specifying the

judicial assignments of the judges and the times and places assigned for hearings;

- (D) Reassign cases between departments as convenience or necessity requires; and
- (E) Designate a judge to act if by law or the rules of court a matter is required to be presented to or heard by a particular judge and that judge is absent, deceased, or unable to act.

(2) *Judicial schedules*

- (A) The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, and community outreach activities, and must prepare a plan for these vacations and absences from court.
- (B) The plan should take into account the principles contained in standards 10.11 10.13 (on judicial education) and standard 10.5 (on community activities) of the Standards of Judicial Administration.
- (C) The presiding judge must review requests from judges for time absent from court and may approve any request that is consistent with the plan and with the orderly operation of the court.
- (D) The presiding judge must allow each judge to take two days of personal leave per year. Personal leave may be taken at any time that is approved by the presiding judge.
- (E) The presiding judge must allow the following number of days of vacation for each judge annually:
 - (i) 24 days for judges with less than 7 years of service as a California judge;
 - (ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and
 - (iii) 30 days for judges with 14 or more years of service as a California judge.

- (F) The presiding judge may authorize a judge to take more time off than is specified in (c)(2)(E) as justified by extraordinary circumstances, if the circumstances are documented and the authorization is in writing.
- (G) The presiding judge, in his or her discretion, may allow a judge to take additional vacation days equal to the number of vacation days that the judge did not use in the previous year, up to a maximum of 30 such days. A court may, by local rule, establish a lower maximum number of such days. This paragraph applies only to vacation days accrued after January 1, 2001. It does not affect any unused vacation days that a judge may have accrued before January 1, 2001, which are governed by local court policy, nor does it create any right to compensation for unused vacation days.
- (H) The court must, by local rule, define a day of vacation. Absence from court to attend an authorized education program, conference, or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities, is not vacation time if attendance is in accordance with the plan and has the prior approval of the presiding judge. Absence from court due to illness is not vacation time. This rule does not limit the time a judge may be absent from court when unable to work because of illness.
- (I) To ensure compliance with the plan, the presiding judge must establish a system to monitor judges' absences from court and maintain records of those absences.

(3) *Submitted cases*

The presiding judge must supervise and monitor the number of causes under submission before the judges of the court and ensure that no cause under submission remains undecided and pending for longer than 90 days. As an aid in accomplishing this goal, the presiding judge must:

- (A) Require each judge to report to the presiding judge all causes under submission for more than 30 days and, with respect to each cause, designate whether it has been under submission for 30 through 60 days, 61 through 90 days, or over 90 days;
- (B) Compile a list of all causes under submission before judges of the court, designated as the submitted list, which must include the name of each judge, a list of causes under submission before that judge, and the length of time each cause has been under submission;

- (C) Circulate monthly a complete copy of the submitted list to each judge of the court;
- (D) Contact and alert each judge who has a cause under submission for over 30 days and discuss ways to ensure that the cause is timely decided;
- (E) Consider providing assistance to a judge who has a cause under submission for over 60 days; and
- (F) Consider requesting the services of the Administrative Office of the Courts to review the court's calendar management procedures and make recommendations whenever either of the following conditions exists in the court for the most recent three months:
 - (i) More than 90 civil active cases are pending for each judicial position; or
 - (ii) More than 10 percent of the cases on the civil active list have been pending for one year or more.

(4) *Oversight of judicial officers*

The presiding judge must:

(A) *Judges*

Notify the Commission on Judicial Performance of:

- (i) A judge's substantial failure to perform judicial duties, including any habitual neglect of duty, persistent refusal to carry out assignments as assigned by the presiding judge, or persistent refusal to carry out the directives of the presiding judge as authorized by the rules of court; or
- (ii) Any absences caused by disability totaling more than 90 court days in a 12-month period, excluding absences authorized under (c)(2);

(B) *Notice*

Give the judge a copy of the notice to the commission under (A) if appropriate. If a copy is not given to the judge, the presiding judge must

inform the commission of the reasons why so notifying the judge was deemed inappropriate;

(C) *Commissioners*

Prepare and submit to the judges for consideration and adoption procedures for receiving, inquiring into, and resolving complaints lodged against court commissioners and referees, consistent with rule 10.703;

(D) *Temporary judges*

Be responsible for the recruitment, training, supervision, approval, and performance of temporary judges as provided in rules 2.810–2.819 and rules 10.740–10.746; and

(E) *Assigned judges*

For each assigned retired judge:

- (i) Complete a confidential evaluation form;
- (ii) Submit the form annually to the Administrative Director of the Courts;
- (iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director of the Courts, and provide requested information in writing to the Administrative Director of the Courts in a timely manner; and
- (iv) Assist the Administrative Director in the process of investigating, evaluating, and making recommendations to the Chief Justice regarding complaints against retired judges who serve on assignment.

(5) *Personnel*

The presiding judge must provide general direction to and supervision of the court executive officer, or, if the court has no executive officer, perform the duties of the court executive regarding personnel as specified in rule 10.610(c)(1).

(6) *Budget and fiscal management*

The presiding judge must:

- (A) Establish a process for consulting with the judges of the court on budget requests, expenditure plans, and other budget or fiscal matters that the presiding judge deems appropriate;
- (B) Establish responsible budget priorities and submit budget requests that will best enable the court to achieve its goals; and
- (C) Approve procurements, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of state and local budget priorities and that ensures equal access to justice and the ability of the court to carry out its functions effectively. In a court with an executive officer, the presiding judge may delegate these duties to the court executive officer, but the presiding judge must ensure that the court executive officer performs such delegated duties consistent with the court's established budget.

(7) *Meetings and committees*

The presiding judge must establish a process for consulting with the judges of the court and may call meetings of the judges as needed. The presiding judge may appoint standing and special committees of judges as needed to assist in the proper performance of the duties and functions of the court.

(8) *Liaison*

The presiding judge must:

- (A) Provide for liaison between the court and the Judicial Council, the Administrative Office of the Courts, and other governmental and civic agencies;
- (B) Meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, or community to review problems and to promote understanding of the administration of justice, when appropriate; and
- (C) Support and encourage the judges to actively engage in community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the

administration of justice, consistent with the California Code of Judicial Ethics and standard 10.5 of the Standards of Judicial Administration.

(9) *Planning*

The presiding judge must:

- (A) Prepare, with the assistance of appropriate court committees and appropriate input from the community, a long-range strategic plan that is consistent with the plan and policies of the Judicial Council, for adoption in accordance with procedures established by local rules or policies; and
- (B) Ensure that the court regularly and actively examines access issues, including any physical, language, or economic barriers that impede the fair administration of justice.

(10) *Appellate records*

The presiding judge is responsible for ensuring the timely preparation of records on appeal.

- (A) The presiding judge ordinarily should delegate the following duties to the executive officer:
 - (i) Maintaining records of outstanding transcripts to be completed by each court reporter;
 - (ii) Reassigning court reporters as necessary to facilitate prompt completion of transcripts; and
 - (iii) Reviewing court reporters' requests for extensions of time to complete transcripts in appeals of criminal cases.
- (B) After reasonable notice and hearing, the presiding judge must declare any reporter of the court who is delinquent in completing a transcript on appeal not competent to act as a reporter in court, under Government Code section 69944.

(11) *Local rules*

The presiding judge must prepare, with the assistance of appropriate court committees, proposed local rules to expedite and facilitate court business in

accordance with Government Code section 68071 and rules 2.100, 3.20, and 10.613.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2001, January 1, 2002, January 1, 2006, and July 1, 2006.)

(d) Delegation

The presiding judge may delegate any of the specific duties listed in this rule to another judge or, if the duty does not require the exercise of judicial authority, to the court executive officer. The presiding judge remains responsible for all duties listed in this rule even if he or she has delegated particular tasks to someone else.

(Subd (d) amended effective January 1, 2007.)

Rule 10.603 amended and renumbered effective January 1, 2007; adopted as rule 6.603 effective January 1, 2001; previously amended effective January 1, 2002, January 1, 2006, and July 1, 2006.

Rule 10.605. Executive committee

In accordance with the internal policies of the court, an executive committee may be established by the court to advise the presiding judge or to establish policies and procedures for the internal management of the court. An executive committee may be appointed by the presiding judge to advise the presiding judge.

Rule 10.605 renumbered effective January 1, 2007; adopted rule 6.605 effective January 1, 2001.

Rule 10.608. Duties of all judges

Each judge must:

- (1) Hear all assigned matters unless:
 - (A) He or she is disqualified; or
 - (B) He or she has stated in writing the reasons for refusing to hear a cause assigned for trial, and the presiding judge, supervising judge, or master calendar judge has concurred;
- (2) Immediately notify the master calendar judge or the presiding judge on the completion or continuation of a trial or any other matter assigned for hearing;
- (3) Request approval of the presiding judge for any intended absence of one-half day or more, within a reasonable time before the intended absence;

- (4) Follow the court's personnel plan in dealing with employees; and
- (5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

Rule 10.608 amended and renumbered effective January 1, 2007; adopted as rule 6.608 effective January 1, 2001; previously amended effective January 1, 2006.

Rule 10.610. Duties of court executive officer

(a) Selection

A court may employ an executive officer selected in accordance with procedures adopted by the court.

(b) General responsibilities

Acting under the direction of the presiding judge, the court executive officer is responsible for overseeing the management and administration of the nonjudicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

(Subd (b) amended effective January 1, 2007.)

(c) Duties

Under the direction of the presiding judge and consistent with the law and rules of court, the court executive officer must perform the following duties, where they are not inconsistent with the authorized duties of the clerk of the court:

(1) Personnel

Provide general direction to and supervision of the employees of the court, and draft for court approval and administer a personnel plan for court employees that complies with rule 10.670. The court executive officer has the authority, consistent with the personnel plan, to hire, discipline, and terminate nonjudicial employees of the court.

(2) *Budget*

Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll, and financial controls; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court's budget.

(3) *Contracts*

Negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws.

(4) *Calendar management*

Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.

(5) *Technology*

Analyze, evaluate, and implement technological and automated systems to assist the court.

(6) *Jury management*

Manage the jury system in the most efficient and effective way.

(7) *Facilities*

Plan physical space needs, and purchase and manage equipment and supplies.

(8) *Records*

Create and manage uniform record-keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council.

(9) *Recommendations*

Identify problems, recommending procedural and administrative changes to the court.

(10) *Public relations*

Provide a clearinghouse for news releases and other publications for the media and public.

(11) *Liaison*

Act as liaison to other governmental agencies.

(12) *Committees*

Provide staff for judicial committees.

(13) *Other*

Perform other duties as the presiding judge directs.

(Subd (c) amended effective January 1, 2007.)

Rule 10.610 amended and renumbered effective January 1, 2007; adopted as rule 6.610 effective January 1, 2001.

Rule 10.611. Nondiscrimination in court appointments

Each court should select attorneys, arbitrators, mediators, referees, masters, receivers, and other persons appointed by the court on the basis of merit. No court may discriminate in such selection on the basis of gender, race, ethnicity, disability, sexual orientation, or age.

Rule 10.611 amended and renumbered effective January 1, 2007; adopted as rule 989.2 effective January 1, 1999.

Rule 10.612. Use of gender-neutral language

Each court must use gender-neutral language in all new local rules, forms, and documents and must review and revise those now in use to ensure that they are written in gender-neutral language.

Rule 10.612 adopted effective January 1, 2007.

Rule 10.613. Local court rules—adopting, filing, distributing, and maintaining

(a) Definitions

As used in this rule:

- (1) “Court” means a trial court; and
- (2) “Local rule” means every rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice or procedure in that court or by a judge of the court to govern practice or procedure in that judge’s courtroom.

(Subd (a) amended and relettered effective July 1, 1999; adopted as subd (b) and repealed effective July 1, 1991.)

(b) Local inspection and copying of rules

Each court must make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules must be accompanied by a notice indicating where a full set of the rules may be purchased or otherwise obtained.

(Subd (b) amended effective January 1, 2003; adopted as subd (c) effective July 1, 1991; previously relettered effective July 1, 1999.)

(c) Publication of rules

- (1) Each court executive officer must be the official publisher of the court’s local rules unless the court, by a majority vote of the judges, appoints another public agency or a private company.
- (2) The official publisher must have the local rules reproduced and make copies available for distribution to attorneys and litigants.
- (3) The court must adopt rules in sufficient time to permit reproduction of the rules by the official publisher before the effective date of the changes.
- (4) The official publisher may charge a reasonable fee.
- (5) Within 30 days of selecting an official publisher or changing an official publisher, each court must notify the Judicial Council of the name, address, and telephone number of the official publisher. Within 30 days of a change in the cost of the rules, each court must notify the Judicial Council of the charge for the local rules. This information will be published annually by the Judicial Council.

(Subd (c) amended effective January 1, 2003; adopted as subd (d) effective July 1, 1991; amended and relettered effective July 1, 1999.)

(d) Filing rules with the Judicial Council

- (1) Thirty days before the effective date of January 1 or July 1, each court must file with the Judicial Council an electronic copy of rules and amendments to rules adopted by the court in a format authorized by the Judicial Council.
- (2) The filing must be accompanied by a certificate from the presiding judge or court executive officer stating that:
 - (A) The court has complied with the applicable provisions of this rule;
 - (B) The court does or does not post local rules on the court's Web site; and
 - (C) The court does or does not provide assistance to members of the public in accessing the Internet or the court has delegated to and obtained the written consent of the county law librarian to provide public assistance under (e).
- (3) Rules that do not comply with this rule will not be accepted for filing by the Judicial Council.

(Subd (d) amended effective January 1, 2007; adopted as subd (e) effective July 1, 1991; amended and relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(e) Deposit and maintenance of rules statewide for public inspection

- (1) The Judicial Council must publish a list of courts that have filed rules and amendments to rules with the Judicial Council. The Judicial Council must deposit a paper copy of each rule and amendment in the office of the executive officer of each superior court that does not provide assistance to members of the public in accessing the Internet or has not obtained agreement from the county law librarian to provide assistance under this subdivision.
- (2) The executive officer must make a complete current set of local rules and amendments available for public examination either in paper copy or through the Internet with public assistance. In a county maintaining an organized county law library, if the executive officer is satisfied that the rules and amendments will be maintained as required by this paragraph, the executive officer, with the approval of the superior court and the written consent of the county law librarian, may delegate the authority to the county law librarian to

either receive and maintain paper copies of the rules and amendments, or make the rules and amendments available through the Internet with assistance to members of the public.

- (3) On or before January 1 of each year, the executive officer of each court must notify the Judicial Council of the street address and room number of the place where the rules are maintained under this subdivision.

(Subd (e) amended effective January 1, 2007; adopted as subd (f) effective July 1, 1991; amended and relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(f) Format of rules

- (1) *Paper and electronic copies*

Paper copies may be typewritten or printed or produced by other process of duplication at the option of the court. Electronic rules must be prepared in a format authorized by the Judicial Council. All copies must be clear and legible.

- (2) *Format of paper copies*

Paper copies must conform, as far as is practicable, to the requirements of chapter 1 of division 2 of title 2, except that both sides of the paper may be used, lines need not be numbered and may be single spaced, and the pages must not be permanently bound across the top but may be bound at the left side. (“Permanently bound” does not include binding with staples.) The left margin on the front and the right margin on the reverse must be at least one inch. The name of the court must be at the top of each page. The effective date of each rule and amended rule must be stated in parentheses following the text of the rule.

- (3) *New pages and filing instructions*

New pages must be issued for added, repealed, or amended rules, with a list of currently effective rules and the date of adoption or of the latest amendment to each rule. Filing instructions must accompany each set of replacement pages.

- (4) *Table of contents*

The rules must have a table of contents. The rules must list all local forms and indicate whether their use is mandatory or optional. If the total length of the court rules exceeds five pages, the rules must have an alphabetical subject

matter index at the end of the rules. All courts must use any subject matter index the Judicial Council may have specified.

(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1991; amended and relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(g) Comment period for proposed rules

(1) *Timing*

Except for rules specifying the time of hearing and similar calendaring matters, the court must distribute each proposed rule for comment at least 45 days before it is adopted.

(2) *Organizations*

A proposed rule must be distributed for comment to the following organizations in each county located within a 100-mile radius of the county seat of the county in which the court is located:

- (A) Civil rules to the county bar association in each county, the nearest office of the State Attorney General, and the county counsel in each county;
- (B) Criminal rules to the county bar association in each county, the nearest office of the State Attorney General, the district attorney in each county, and the public defender in each county; and
- (C) On request, any bar organization, newspaper, or other interested party.

(3) *Methods*

A court may distribute a proposed rule for comment by either of the following methods:

- (A) Distributing a copy of the proposal to every organization listed in (g)(2);
or
- (B) Posting the proposal on the court's Web site and distributing to every organization listed in (g)(2) a notice that the proposed rule has been posted for comment and that a hard copy of the proposal is available on request.

(Subd (g) amended effective January 1, 2007; adopted as subd (h) effective July 1, 1991; relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(h) Periodic review

Each court must periodically review its local rules and repeal rules that have become outdated, unnecessary, or inconsistent with statewide rules or statutes.

Subd (h) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1991; relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(i) Alternative effective date

A court may adopt a rule to take effect on a date other than as provided by Government Code section 68071 if:

- (1) The presiding judge submits to the Judicial Council the proposed rule and a statement of reasons constituting good cause for making the rule effective on the stated date;
- (2) The Chair of the Judicial Council authorizes the rule to take effect on the date proposed; and
- (3) The rule is made available for inspection as provided in (b) on or before the effective date.

(Subd (i) amended effective January 1, 2007; adopted as subd (j) effective January 1, 1993; relettered effective July 1, 1999; previously amended effective July 1, 2001.)

(j) Limitation

Except for (i), this rule does not apply to local rules that relate only to the internal management of the court.

(Subd (j) amended effective January 1, 2007; adopted effective July 1, 1999; previously amended effective July 1, 2001.)

Rule 10.613 amended and renumbered effective January 1, 2007; adopted as rule 981 effective July 1, 1991; previously amended effective January 1, 1993, July 1, 1999, July 1, 2001, and January 1, 2003.

Rule 10.614. Local court forms

Local forms must comply with the following:

- (1) Each form must be on paper measuring no more than 8½ by 11 inches and no less than 8½ by 5 inches.
- (2) The court must make copies of its forms available in the clerk's office. A court may, as an alternative, make its forms available in a booklet from which photocopies of the forms may be made. The court may charge for either copies of forms or the booklet of forms.
- (3) The court must assign to each form a unique designator consisting of numbers or letters, or both. The designator must be positioned on the form in the same manner as the designator on a Judicial Council form.
- (4) The effective date of each form must be placed on the form in the same manner as the effective date on a Judicial Council form, and each form must state whether it is a "Mandatory Form" or an "Optional Form" in the lower left corner of the first page.
- (5) Each court must make available a current list of forms adopted or approved by that court. The list must include, for each form, its name, number, effective date, and whether the form is mandatory or optional. There must be two versions of the list, one organized by form number and one organized by form name. The court must modify its lists whenever it adopts, approves, revises, or repeals any form.
- (6) Each form must be designed so that no typing is required on it within 1 inch of the top or within ½ inch of the bottom.
- (7) All forms and copies of forms made available by, or presented for filing to, the court must be reproduced on recycled paper as defined in rule 2.102(2).
- (8) All forms presented for filing must be firmly bound at the top and must contain two prepunched, normal-sized holes centered 2½ inches apart and 5/8 inch from the top of the form.
- (9) If a form is longer than one page, the form may be filed on sheets printed on only one side even if the original form has two printed sides to a sheet. If a form is filed on a sheet printed on two sides, the reverse side must be rotated 180 degrees (printed head to foot).

Rule 10.614 amended and renumbered effective January 1, 2007; adopted as rule 201.3 effective January 1, 2003.

Rule 10.620. Public access to administrative decisions of trial courts

(a) Interpretation

The provisions of this rule concern public access to administrative decisions by trial courts as provided in this rule. This rule does not modify existing law regarding public access to the judicial deliberative process and does not apply to the adjudicative functions of the trial courts or the assignment of judges.

(b) Budget priorities

The Administrative Office of the Courts may request, on 30 court days' notice, recommendations from the trial courts concerning judicial branch budget priorities. The notice must state that if a trial court is to make recommendations, the trial court must also give notice, as provided in (g), that interested members of the public may send input to the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(c) Budget requests

Before making recommendations, if any, to the Judicial Council on items to be included in the judicial branch budget that is submitted annually to the Governor and the Legislature, a trial court must seek input from the public, as provided in (e), on what should be included in the recommendations.

(Subd (c) amended effective January 1, 2007.)

(d) Other decisions requiring public input

Each trial court must seek input from the public, as provided in (e), before making the following decisions:

- (1) A request for permission from the Administrative Office of the Courts to reallocate budget funds from one program component to another in an amount greater than \$400,000 or 10 percent of the total trial court budget, whichever is greater.
- (2) The execution of a contract without competitive bidding in an amount greater than \$400,000 or 10 percent of the total trial court budget, whichever is greater. This subdivision does not apply to a contract entered into between a court and a county that is provided for by statute.
- (3) The planned, permanent closure of any court location for an entire day or for more than one-third of the hours the court location was previously open for

either court sessions or filing of papers. As used in this subdivision, planned closure does not include closure of a location on a temporary basis for reasons including holidays, illness, or other unforeseen lack of personnel, or public safety.

(4) The cessation of any of the following services at a court location:

(A) The Family Law Facilitator; or

(B) The Family Law Information Center.

(Subd (d) amended effective January 1, 2007.)

(e) Manner of seeking public input

When a trial court is required to seek public input under this rule, it must provide public notice of the request at least 15 court days before the date on which the decision is to be made or the action is to be taken. Notice must be given as provided in (g). Any interested person or entity who wishes to comment must send the comment to the court in writing or electronically unless the court requires that all public comment be sent either by e-mail or through a response system on the court's Web site. For good cause, in the event an urgent action is required, a trial court may take immediate action if it (1) gives notice of the action as provided in (f), (2) states the reasons for urgency, and (3) gives any public input received to the person or entity making the decision.

(Subd (e) amended effective January 1, 2007.)

(f) Information about other trial court administrative matters

A trial court must provide notice, not later than 15 court days after the event, of the following:

- (1) Receipt of the annual allocation of the trial court budget from the Judicial Council after enactment of the Budget Act.
- (2) The awarding of a grant to the trial court that exceeds the greater of \$400,000 or 10 percent of the total trial court budget.
- (3) The solicitation of proposals or the execution of a contract that exceeds the greater of \$400,000 or 10 percent of the trial court budget.

- (4) A significant permanent increase in the number of hours that a court location is open during any day for either court sessions or filing of papers. As used in this paragraph, a significant increase does not include an emergency or one-time need to increase hours.
- (5) A significant permanent decrease in the number of hours that a court location is open during any day for either court sessions or filing of papers, except those governed by (d)(3). As used in this paragraph, a significant decrease does not include a decrease in response to an emergency need to close a location on a temporary basis for reasons including illness or other unforeseen lack of personnel or public safety.
- (6) The action taken on any item for which input from the public was required under (d). The notice must show the person or persons who made the decision and a summary of the written and e-mail input received.

(Subd (f) amended effective January 1, 2007.)

(g) Notice

When notice is required to be given by this rule, it must be given in the following ways:

- (1) Posted on the trial court's Web site, if any.
- (2) Sent to any of the following persons or entities—subject to the requirements of (h)—who have requested in writing or by electronic mail to the court executive officer to receive such notice:
 - (A) A newspaper, radio station, and television station in the county;
 - (B) The president of a local or specialty bar association in the county;
 - (C) Representatives of a trial court employees organization;
 - (D) The district attorney, public defender, and county counsel;
 - (E) The county administrative officer; and
 - (F) If the court is sending notice electronically using the provisions of (h), any other person or entity that submits an electronic mail address to which the notice will be sent.

(3) Posted at all locations of the court that accept papers for filing.

(Subd (g) amended effective January 1, 2007.)

(h) Electronic notice

A trial court may require a person or entity that is otherwise entitled to receive notice under (g)(2) to submit an electronic mail address to which the notice will be sent.

(Subd (h) amended effective January 1, 2007.)

(i) Materials

When a trial court is required to seek public input under (b), (c), or (d), it must also provide for public viewing at one or more locations in the county of any written factual materials that have been specifically gathered or prepared for the review at the time of making the decision of the person or entity making the decision. This subdivision does not require the disclosure of materials that are otherwise exempt from disclosure or would be exempt from disclosure under the state Public Records Act (beginning with Government Code section 6250). The materials must be mailed or otherwise be made available not less than five court days before the decision is to be made except if the request is made within the five court days before the decision is to be made, the materials must be mailed or otherwise be made available the next court day after the request is made. A court must either (1) provide copies to a person or entity that requests copies of these materials in writing or by electronic mail to the executive officer of the court or other person designated by the executive office in the notice, if the requesting person or entity pays all mailing and copying costs as determined by any mailing and copy cost recovery policies established by the trial court, or (2) make all materials available electronically either on its Web site or by e-mail. This subdivision does not require the trial court to prepare reports. A person seeking documents may request the court to hold the material for pickup by that person instead of mailing.

(Subd (i) amended effective January 1, 2007.)

(j) Other requirements

This rule does not affect any other obligations of the trial court including any obligation to meet and confer with designated employee representatives. This rule does not change the procedures a court must otherwise follow in entering into a contract or change the types of matters for which a court may contract.

(Subd (j) amended effective January 1, 2007.)

(k) Enforcement

This rule may be enforced under Code of Civil Procedure section 1085.

Rule 10.620 amended and renumbered effective January 1, 2007; adopted as rule 6.620 effective January 1, 2004; previously amended effective January 1, 2005.

Rule 10.625. Certain demographic data relating to regular grand jurors

(a) Definitions

The following definitions apply under this rule:

- (1) “Regular grand jury” means a body of citizens of a county selected by the court to investigate matters of civil concern in the county, whether or not that body has jurisdiction to return indictments.
- (2) “Race or ethnicity” reflects the concept of race used by the United States Census Bureau and reflects self-identification by people according to the race or races with which they most closely identify. These categories are sociopolitical constructs and should not be interpreted as being scientific or anthropological in nature. The categories include both racial and national-origin groups.
- (3) “Prospective regular grand juror” means those citizens who (a) respond in person to the jury summonses or questionnaires from the court for the purposes of grand jury service and are eligible to serve as regular grand jurors, or (b) either submit applications, are recruited, or are nominated by judicial officers and are eligible to serve as regular grand jurors.
- (4) “Eligible to serve” means that the prospective regular grand juror meets each of the criteria set forth in Penal Code section 893(a) and is not disqualified by any factor set forth in section 893(b).

(b) Jury commissioner duties and responsibilities

- (1) The jury commissioner or designee must create a method to capture the following data from prospective regular grand jurors:
 - (A) Age range, specifically:
 - (i) 18–25

- (ii) 26–34
- (iii) 35–44
- (iv) 45–54
- (v) 55–64
- (vi) 65–74
- (vii) 75 and over

(B) Gender; and

(C) Race or ethnicity from the following categories (candidates may select more than one category):

- (i) American Indian or Alaska Native
- (ii) Asian
- (iii) Black or African American
- (iv) Hispanic/Latino
- (v) Native Hawaiian or other Pacific Islander
- (vi) White
- (vii) Other race or ethnicity (please state: _____)
- (viii) Decline to answer

(2) Develop and maintain a database containing the following information regarding prospective regular grand jurors, the candidates who are ultimately selected by the court to serve as grand jurors, and any carry-over grand jurors: name, age range, occupation, gender, race or ethnicity, and the year(s) served on the regular grand jury. The database should indicate how the juror initially became a candidate (by random draw, application, or nomination).

(c) **Annual summary**

- (1) The court must develop and maintain an annual summary of the information in the database maintained under (b)(2). The summary must not include the names of the candidates and must be made available to the public.

Rule 10.625 adopted effective January 1, 2007.

Advisory Committee Comment

This rule is intended to facilitate the courts' continued efforts to achieve the goals stated in standard 10.50 [formerly section 17] of the Standards of Judicial Administration, which encourages courts to employ various methods of soliciting prospective candidates to serve on regular grand juries that reflect a representative cross-section of the community they serve. Those methods include obtaining recommendations for grand jurors who encompass a cross-section of the county's population base, solicited from a broad representation of community-based organizations, civic leaders, and superior court judges, referees, and commissioners subdivision (b)(2)); having the court consider carry-over grand jury selections under Penal Code section 901(b) to ensure broad-based representation (Subd (c)); and encouraging judges who nominate persons for grand jury service under Penal Code section 903.4 to select candidates from the list returned by the jury commissioner or otherwise employing a nomination procedure to ensure broad-based representation from the community.

This rule is also intended to assist the courts in establishing a formal mechanism whereby they can monitor the extent to which they achieve the goal of seating representative regular grand juries through a process comparable to that stated in Penal Code section 904.6(e), which requires that persons selected for the "criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population which is eligible for jury service in the county."

Rule 10.630. Reporting of reciprocal assignment orders

A "reciprocal assignment order" is an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other's courts. A court must report to the Administrative Office of the Courts, on a monthly basis, each assignment of a judge from another county to its court under a reciprocal assignment order.

Rule 10.630 amended and renumbered effective January 1, 2007; adopted as rule 813 effective July 1, 1990.

Chapter 2. Trial Court Management of Human Resources

Article 1. Trial Court Employee Labor Relations

Rule 10.650. Court Employee Labor Relations Rules

Rule 10.651. Purpose

Rule 10.652. Definitions

Rule 10.653. Right and obligation to meet and confer

Rule 10.654. Scope of representation

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Rule 10.656. Transition provisions

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Rule 10.659. Other provisions

Rule 2210. Effective date

Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5, 71825.2)

Rule 10.650. Court Employee Labor Relations Rules

Rules 10.651–10.659 in this chapter are referred to as the Court Employee Labor Relations Rules.

Rule 10.650 adopted effective January 1, 2007.

Rule 10.651. Purpose

The purpose of the Court Employee Labor Relations Rules is to extend to trial court employees the right, and to require trial courts, to meet and confer in good faith over matters that the court, as opposed to the county, has authority to determine that are within the scope of representation, consistent with the procedures stated in this division.

The adoption of the Court Employee Labor Relations Rules is not intended to require changes in existing representation units, memoranda of agreements, statutes, or court rules relating to trial court employees, except as they would otherwise normally occur as provided for in this division.

Rule 10.651 amended and renumbered effective January 1, 2007; adopted as rule 2201 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.652. Definitions

As used in the Court Employee Labor Relations Rules:

- (1) “Court” means a superior court.
- (2) “Court employee” means any employee of a court, except those employees whose job classification confers safety retirement status.

- (3) “Meet and confer in good faith” means that a court or such representatives as it may designate, and representatives of recognized employee organizations, have the mutual obligation personally to meet and confer promptly on request by either party and to continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in this division or a local rule, regulation, or ordinance, or when such procedures are used by mutual consent.
- (4) “Recognized employee organization” means an employee organization that has been formally acknowledged by the county to represent court employees under the provisions of Government Code sections 3500–3510 or by the court under its rules or policies.

Rule 10.652 amended and renumbered effective January 1, 2007; adopted as rule 2202 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.653. Right and obligation to meet and confer

(a) Recognized employee organization

A recognized employee organization has the right to represent its court employee members in their employment relations with a court as to matters covered by the Court Employee Labor Relations Rules. Nothing in these rules prohibits any court employee from appearing in his or her own behalf regarding employment relations with a court.

(Subd (a) amended effective January 1, 2007.)

(b) Representatives of a court

Representatives of a court must meet and confer in good faith regarding matters within the scope of representation, as defined in the Court Employee Labor Relations Rules, with representatives of a recognized employee organization, and must consider fully such presentations as are made by the recognized employee organization on behalf of its members before arriving at a determination of policy or course of action. In meeting this obligation a court must also comply with the procedures and provisions stated in Government Code sections 3504.5, 3505.1, 3505.2, and 3505.3 applicable to a public agency.

(Subd (b) amended effective January 1, 2007.)

(c) Joint negotiations and designations

In fulfilling the provisions of (b), the court and the county must consult with each other, may negotiate jointly, and each may designate the other in writing as its agent on any matters within the scope of representation.

(Subd (c) amended effective January 1, 2007.)

(d) Intimidation

A court or a recognized employee organization must not interfere with, intimidate, restrain, coerce, or discriminate against court employees because of their exercise of any rights they may have under the Court Employee Labor Relations Rules or Government Code sections 3500–3510.

(Subd (d) amended effective January 1, 2007.)

Rule 10.653 amended and renumbered effective January 1, 2007; adopted as rule 2203 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.654. Scope of representation

(a) Matters included in the scope of representation

For purposes of the Court Employee Labor Relations Rules, the scope of representation includes all matters within the court’s authority to determine relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and terms and other conditions of employment, except, however, that the scope of representation does not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

(Subd (a) amended effective January 1, 2007.)

(b) Matters outside the scope of representation

In view of the unique and special responsibilities of the courts in the administration of justice, decisions regarding the following matters are not included within the scope of representation:

- (1) The merits and administration of the court system;
- (2) Coordination, consolidation, and merger of trial courts and support staff;

- (3) Automation, including but not limited to fax filing, electronic recording, and implementation of information systems;
- (4) Design, construction, and location of court facilities;
- (5) Delivery of court services; and
- (6) Hours of operation of the courts and court system.

(Subd (b) amended effective January 1, 2007.)

(c) Impact

Impact from such matters as in (b) must be included within the scope of representation as those matters affect wages, hours, terms, and conditions of employment of court employees, to the extent such matters are within the court's authority to determine.

(Subd (c) amended effective January 1, 2007.)

(d) Assignments and transfers

The superior court continues to have the right to determine assignments and transfers of court employees, provided that the process, procedures, and criteria for assignments and transfers are included within the scope of representation.

(Subd (d) amended effective January 1, 2007.)

Rule 10.654 amended and renumbered effective January 1, 2007; adopted as rule 2204 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.655. Governing court employee labor relations

(a) County rules and procedures

As they relate to court employees in their relations with the court, matters described in Government Code section 3507(a) through (d) are governed by any rules and administrative procedures and provisions adopted by the county under section 3507 that may apply to county employees generally, with the right of review by the appropriate Court of Appeal.

(Subd (a) amended effective January 1, 2007.)

(b) Court rules and policies

A court may adopt reasonable rules and policies after consultation in good faith with representatives of a recognized employee organization or organizations for the administration of employer-employee relations under this rule as to matters described in Government Code section 3507(e)–(i). The court and county jointly will establish procedures to determine the appropriateness of any bargaining unit of court employees. The court must consult with the county about any rules and policies that the court may adopt under this section. If the court does not adopt rules by January 1, 1998, the court is bound by existing county rules until the court adopts rules.

(Subd (b) amended effective January 1, 2007.)

Rule 10.655 amended and renumbered effective January 1, 2007; adopted as rule 2205 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.656. Transition provisions

(a) Court employee organization

On the effective date of the Court Employee Labor Relations Rules, the court must recognize the employee organization that represented its court employees at the time of adoption. The court and the recognized employee organization are bound by the terms of any memorandum of understanding or agreement to which the court is a party that is in effect as of the date of adoption of the Court Employee Labor Relations Rules for its duration, or until it expires or, before then, is replaced by a subsequent memorandum of understanding.

(Subd (a) amended effective January 1, 2007.)

(b) Court personnel rules and policies

A court's local rules governing court employees and a court's personnel rules, policies, and practices in effect at the time of the adoption of the Court Employee Labor Relations Rules, to the extent they are not contrary to or inconsistent with the obligations and duties provided for in these rules, continue in effect until changed by the court. Before changing any rule, policy, or practice that affects any matter within the scope of representation as stated in these rules, the court must meet and confer in good faith with the recognized employee organization as provided for in these rules.

(Subd (b) amended effective January 1, 2007.)

(c) County employee representation units

Nothing contained in these rules is intended to preclude court employees from continuing to be included in representation units that contain county employees.

(Subd (c) amended effective January 1, 2007.)

Rule 10.656 amended and renumbered effective January 1, 2007; adopted as rule 2206 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.657. Construction

The enactment of the Court Employee Labor Relations Rules is not to be construed as making the provisions of Labor Code section 923 applicable to court employees.

Rule 10.657 amended and renumbered effective January 1, 2007; adopted as rule 2207 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.658. Interpretation

Where the language of the Court Employee Labor Relations Rules is the same or substantially the same as that contained in Government Code sections 3500 to 3510, it must be interpreted and applied in accordance with judicial interpretations of the same language.

Rule 10.658 amended and renumbered effective January 1, 2007; adopted as rule 2208 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.659. Other provisions

(a) Mediation

If, after a reasonable period of time, representatives of the court and the recognized employee organization fail to reach agreement, the court and the recognized employee organization or recognized employee organizations together may agree on the appointment of a mediator mutually agreeable to the parties. Costs of mediation are to be divided one-half to the court and one-half to the recognized employee organization or recognized employee organizations.

(Subd (a) amended effective January 1, 2007.)

(b) Submission for dispute resolution

In the absence of local procedures and provisions for resolving disputes on the appropriateness of a unit of representation, on the request of any of the parties, the dispute must be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

(Subd (b) amended effective January 1, 2007.)

(c) Dues deduction

Nothing in the Court Employee Labor Relations Rules affects the right of a court employee to authorize a dues deduction from his or her salary or wages under Government Code sections 1157.1, 1157.2, 1157.3, 1157.4, 1157.5, or 1157.7.

(Subd (c) amended effective January 1, 2007.)

(d) Applicability of Government Code section 3502.5

The procedures and provisions stated in Government Code section 3502.5 are applicable to court employees.

(Subd (d) amended effective January 1, 2007.)

Rule 10.659 amended and renumbered effective January 1, 2007; adopted as rule 2209 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5, 71825.2)

(a) Application

This rule applies to petitions filed under Government Code sections 71639.5(a) and 71825.2(a).

(Subd (a) amended effective January 1, 2007; previously amended effective December 10, 2004.)

(b) Assignment of Court of Appeal justice to hear the petition

- (1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)):
“Petition filed under Government Code sections 71639.5 and 71825.2—
Assignment of Court of Appeal justice required.”

- (2) When the petition is filed, the clerk of the court must immediately request of the Judicial Assignments Unit of the Administrative Office of the Courts the assignment of a hearing judge from the panel established under (e).
- (3) The judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

(Subd (b) amended effective January 1, 2007; previously amended effective December 10, 2004.)

(c) Superior court hearing

- (1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.
- (2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under (e).

(Subd (c) amended effective January 1, 2007.)

(d) Appeal

An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): “Notice of Appeal on Petition filed under Government Code sections 71639.5 and 71825.2—Expedited Processing Requested.”

(Subd (d) amended effective January 1, 2007; previously amended effective December 10, 2004.)

(e) Panel of hearing judges

The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

- (1) The panel must include at least one justice from each district of the Court of Appeal.
- (2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

Rule 10.660 amended and renumbered effective January 1, 2007; adopted as rule 2211 effective January 1, 2001; previously amended effective December 10, 2004.

Article 2. Other Human Resources Rules

Rule 10.670. Trial court personnel plans

Rule 10.670. Trial court personnel plans

(a) Purpose

This rule establishes the authority and responsibility of the superior courts, on a countywide basis, to create and implement a system of personnel management designed to achieve lawful, uniform, and fair employment practices and procedures.

(Subd (a) amended effective January 1, 2007.)

(b) Countywide personnel plans

The superior court of each county must establish a single personnel plan on a countywide basis, consistent with applicable statutes, rules, and standards of judicial administration.

(Subd (b) amended effective January 1, 2007.)

(c) Provisions of a personnel plan

The personnel plan must ensure that treatment of employees complies with current law. The personnel plan should address the following issues:

- (1) A salary-setting procedure;
- (2) Regular review of job classifications and titles;
- (3) An equal employment opportunity policy applying to all employees in accordance with applicable state and federal law;
- (4) Recruitment, selection, and promotion policies;
- (5) A sexual harassment prevention policy;

- (6) A reasonable accommodation policy;
- (7) Grievance or complaint procedures covering, but not limited to, sexual harassment, discrimination, and denial of reasonable accommodation;
- (8) An employee benefits plan that includes health benefits, retirement benefits, workers' compensation benefits, disability leave, and paid and unpaid leave in compliance with state and federal law;
- (9) Timekeeping and payroll policies and procedures that comply with applicable state and federal law;
- (10) A records management policy, including confidentiality and retention of personnel records;
- (11) Job-related training and continuing education programs for all personnel concerning at least the following:
 - (A) Sexual harassment awareness;
 - (B) Discrimination and bias; and
 - (C) Safety;
- (12) A policy statement on professional behavior requiring that all employees conduct themselves in a professional manner at all times and refrain from offensive conduct or comments that reflect bias or harassment;
- (13) A policy regarding conflicts of interest and incompatible activities;
- (14) Procedures for discipline and discharge; and
- (15) A labor policy consistent with rules 10.653–10.659.

(Subd (c) amended effective January 1, 2007.)

(d) Optional provisions

A personnel plan may contain additional provisions, including the following:

- (1) Criteria and schedules for performance evaluations for all levels of employees;

- (2) Job-related training and continuing education programs for all personnel as appropriate, with provisions for both paid and unpaid educational leave concerning:
 - (A) Career development, including basic and managerial skills; and
 - (B) Equal employment opportunity concepts and recruitment methods.
- (3) An employee benefit plan that may include:
 - (A) Flex-time, part-time, job-sharing, and other alternative work schedules;
 - (B) Cafeteria options to use pretax dollars for dependent care and medical care and for sick leave for the care of dependents;
 - (C) An employee assistance program; and
 - (D) A deferred compensation plan.

(Subd (d) amended effective January 1, 2007.)

(e) Submission of personnel plans

The superior court of each county must submit to the Judicial Council a personnel plan in compliance with these provisions by March 1, 1999. The superior court of each county must submit to the Judicial Council any changes to this plan by March 1 of every following year. If requested by a superior court, the Administrative Office of the Courts must review the court's personnel plan and provide the court with technical assistance in preparing the plan.

(Subd (e) amended effective January 1, 2007.)

Rule 10.670 amended and renumbered effective January 1, 2007; adopted as rule 2520 effective July 1, 1998; previously renumbered as rule 6.650 effective January 1, 1999.

Chapter 3. Subordinate Judicial Officers

Rule 10.700. Role of subordinate judicial officers

Rule 10.701. Qualifications and education of subordinate judicial officers

Rule 10.702. Subordinate judicial officers: practice of law

Rule 10.703. Complaints against subordinate judicial officers

Rule 10.700. Role of subordinate judicial officers

(a) Application

This rule applies to all subordinate judicial officers except those acting as child support commissioners under Family Code section 4251.

(b) Role of subordinate judicial officers

The primary role of subordinate judicial officers is to perform subordinate judicial duties. However, a presiding judge may assign a subordinate judicial officer to sit as a temporary judge where lawful, if the presiding judge determines that, because of a shortage of judges, it is necessary for the effective administration of justice.

Rule 10.700 renumbered effective January 1, 2007; adopted as rule 6.609 effective July 1, 2002.

Rule 10.701. Qualifications and education of subordinate judicial officers

(a) Definition

For purposes of this rule, “subordinate judicial officer” means a person appointed by a court to perform subordinate judicial duties as authorized by article VI, section 22 of the California Constitution, including a commissioner, a referee, and a hearing officer.

(Subd (a) amended effective January 1, 2007.)

(b) Qualifications

Except as provided in (d), a person is ineligible to be a subordinate judicial officer unless the person is a member of the State Bar and:

- (1) Has been admitted to practice law in California for at least 10 years or, on a finding of good cause by the presiding judge, for at least 5 years; or
- (2) Is serving as a subordinate judicial officer in a trial court as of January 1, 2003.

(Subd (b) amended effective January 1, 2007.)

(c) Education

A subordinate judicial officer must comply with the education requirements of any position to which he or she is assigned, even if it is not his or her principal assignment. Such requirements include the following, as applicable: rules 5.30, 5.340, and 10.501 of the California Rules of Court, and Welfare and Institutions Code section 304.7.

(Subd (c) amended effective January 1, 2007.)

(d) Juvenile referees and hearing officers

A person appointed as a juvenile referee or as a hearing officer under Welfare and Institutions Code sections 247, 255, or 5256.1 must meet the qualification requirements established by those sections. Such a person is ineligible to exercise the powers and perform the duties of another type of subordinate judicial officer unless he or she meets the qualifications established in (b).

(Subd (d) amended effective January 1, 2007.)

Rule 10.701 amended and renumbered effective January 1, 2007; adopted as rule 6.660 effective January 1, 2003.

Rule 10.702. Subordinate judicial officers: practice of law

A subordinate judicial officer may practice law only to the extent permitted by the Code of Judicial Ethics.

Rule 10.702 renumbered effective January 1, 2007; adopted as rule 6.665 effective January 1, 2003.

Rule 10.703. Complaints against subordinate judicial officers

(a) Intent

The procedures in this rule for processing complaints against subordinate judicial officers do not:

- (1) Create a contract of employment;
- (2) Change the existing employee-employer relationship between the subordinate judicial officer and the court; or
- (3) Change the status of a subordinate judicial officer from an employee terminable at will to an employee terminable only for cause.

(Subd (a) amended effective January 1, 2007.)

(b) Definitions

Unless the context requires otherwise, the following definitions apply to this rule:

- (1) “Subordinate judicial officer” means an attorney employed by a court to serve as a commissioner or referee, whether the attorney is acting as a commissioner, referee, or temporary judge. The term does not include any other attorney acting as a temporary judge.
- (2) “Presiding judge” includes the person or group the presiding judge designates to perform any duty required by this rule to be performed by a presiding judge.
- (3) “Commission” means the Commission on Judicial Performance. The commission exercises discretionary jurisdiction over the discipline of subordinate judicial officers under article VI, section 18.1 of the California Constitution.

(c) Application

- (1) A court that employs a subordinate judicial officer must use the procedures in this rule for processing complaints against the subordinate judicial officer if the complaint alleges conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.
- (2) If a complaint against a subordinate judicial officer does not allege conduct that would be within the jurisdiction of the commission, the court must process the complaint following local procedures adopted under rule 10.603(c)(4)(C). The local process may include any procedures from this rule for the court’s adjudication of the complaint other than the provisions for referring the matter to the commission under (g) or giving notice of commission review under (I)(2)(B).
- (3) A court may adopt additional policies and procedures for the adjudication of complaints against subordinate judicial officers not inconsistent with this rule.

(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 2002.)

(d) Promptness required

The presiding judge must ensure that the court processes each complaint promptly. To the extent reasonably possible, the court must complete action on each complaint within 90 days after the complaint is submitted.

(Subd (d) amended effective January 1, 2007.)

(e) Confidentiality

- (1) All proceedings by a presiding judge under this rule must be conducted in a manner that is as confidential as is reasonably possible consistent with the need to conduct a thorough and complete investigation and the need for proper administration of the court.
- (2) This rule does not prohibit access by the commission to any information relevant to the investigation of a complaint against a subordinate judicial officer.

(Subd (e) amended effective January 1, 2007.)

(f) Written complaints to presiding judge

- (1) A complaint about the conduct of a subordinate judicial officer must be in writing and be submitted to the presiding judge.
- (2) Persons who are unable to file a written complaint because of a disability may present an oral complaint, which the presiding judge must commit to writing.
- (3) The presiding judge must give written notice of receipt of the complaint to the complainant.

(Subd (f) amended effective January 1, 2007.)

(g) Initial review of the complaint

- (1) The presiding judge must review each complaint and determine if the complaint:
 - (A) May be closed after initial review;
 - (B) Needs preliminary investigation; or
 - (C) Requires formal investigation.

- (2) A presiding judge may request that the commission investigate and adjudicate the complaint if a local conflict of interest or disqualification prevents the court from acting on the complaint.
- (3) In exceptional circumstances a presiding judge may request the commission to investigate a complaint on behalf of the court and provide the results of the investigation to the court for action.
- (4) The court must maintain a file on every complaint received, containing the following:
 - (A) The complaint;
 - (B) The response of the subordinate judicial officer, if any;
 - (C) All evidence and reports produced by the investigation of the complaint, if any; and
 - (D) The final action taken on the complaint.

(Subd (g) amended effective January 1, 2007.)

(h) Closing a complaint after initial review

- (1) After a preliminary review the presiding judge may close without further action any complaint that:
 - (A) Relates to the permissible exercise of judicial or administrative discretion by the subordinate judicial officer; or
 - (B) Does not allege conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.
- (2) The presiding judge must notify the complainant in writing of the decision to close the investigation on the complaint. The notice must include the information required under (l).
- (3) The presiding judge must advise the subordinate judicial officer in writing of the disposition.

(Subd (h) amended effective January 1, 2007.)

(i) Complaints requiring preliminary investigation

- (1) If after an initial review of the complaint the presiding judge finds a basis for further inquiry, the presiding judge must conduct a preliminary investigation appropriate to the nature of the complaint.
- (2) The investigation may include interviews of witnesses and a review of court records.
- (3) The presiding judge may give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow him or her an opportunity to respond. The presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond before the presiding judge takes appropriate informal action as described in (i)(4)(B).
- (4) After completing the preliminary investigation, the presiding judge must:
 - (A) Terminate the investigation and close action on the complaint if the presiding judge finds the complaint lacks merit; or
 - (B) Terminate the investigation and close action on the complaint by taking appropriate informal action, which may include a reprimand or warning to the subordinate judicial officer, if the presiding judge finds a basis for taking informal action; or
 - (C) Proceed with a formal investigation under (j) if the presiding judge finds a basis for proceeding further.
- (5) If the presiding judge terminates the investigation and closes action on the complaint, the presiding judge must:
 - (A) Notify the complainant in writing of the decision to close the investigation on the complaint. The notice must include the information required under (l); and
 - (B) Advise the subordinate judicial officer in writing of the disposition.

(Subd (i) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(j) Complaints requiring formal investigation

- (1) If after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation, the presiding judge must conduct a formal investigation appropriate to the nature of the complaint.
 - (A) The investigation may include interviews of witnesses and a review of court records.
 - (B) As soon as practicable, the presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond.
- (2) Within 10 days after the completion of the investigation or as soon thereafter as is reasonably possible, the presiding judge must give the subordinate judicial officer the following in writing:
 - (A) Notice of the intended final action on the complaint; and
 - (B) The facts and other information forming the basis for the proposed action and the source of the facts and information, sufficient to allow a meaningful response to the allegations.
- (3) Final action on the complaint may include:
 - (A) A finding that no further action need be taken on the complaint;
 - (B) An oral or written warning to the subordinate judicial officer;
 - (C) A private written reprimand to the subordinate judicial officer;
 - (D) A public written reprimand to the subordinate judicial officer;
 - (E) Suspension of the subordinate judicial officer;
 - (F) Termination of the subordinate judicial officer; and
 - (G) Any other action the court may deem appropriate.
- (4) The notice of the intended final action on the complaint in (j)(2)(A) must include the following advice:
 - (A) The subordinate judicial officer may request an opportunity to respond within 10 days after service of the notice; and

- (B) If the subordinate judicial officer does not request an opportunity to respond within 10 days after service of the notice, the proposed action will become final.
- (5) If the subordinate judicial officer requests an opportunity to respond, the presiding judge should allow the subordinate judicial officer an opportunity to respond to the notice of the intended final action, either orally or in writing as specified by the presiding judge, in accordance with local rules.
- (6) Within 10 days after the subordinate judicial officer has responded, the presiding judge must give the subordinate judicial officer and the complainant written notice of the final action taken on the complaint. The notice to the complainant must include the information required under (l).
- (7) If the subordinate judicial officer does not request or has not been given an opportunity to respond, the presiding judge must promptly give written notice of the final action to the complainant. The notice must include the information required under (l).

(Subd (j) amended effective January 1, 2007.)

(k) Report to the Commission on Judicial Performance

- (1) If after a formal investigation under (j) the complaint results in the written reprimand, suspension, or removal of the subordinate judicial officer for conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must promptly forward to the commission a copy of the portions of the court file on the complaint that reasonably reflect the basis of the action taken by the court, including the complaint and the subordinate judicial officer's response.
- (2) If the subordinate judicial officer resigns while an investigation is pending, the presiding judge must within 15 days of the resignation, or as soon thereafter as is reasonably possible, forward to the commission the entire court file on any pending complaint.
- (3) On request by the commission, the presiding judge must forward to the commission any requested information about a complaint against a subordinate judicial officer.

(Subd (k) amended effective January 1, 2007.)

(J) Notice of final court action

- (1) When the court has completed its action on a complaint, the presiding judge must promptly notify the complainant and the subordinate judicial officer of the final court action.
- (2) The notice to the complainant of the final court action must:
 - (A) Provide a general description of the action taken by the court consistent with any law limiting the disclosure of confidential employee information; and
 - (B) Include the following statement:

If you are dissatisfied with the court's action on your complaint, you have the right to request the Commission on Judicial Performance to review this matter under its discretionary jurisdiction to oversee the discipline of subordinate judicial officers. No further action will be taken on your complaint unless the commission receives your written request within 30 days after the date this notice was mailed. The commission's address is:

Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102-3660

(Subd (l) amended effective January 1, 2007; previously amended effective April 29, 1999.)

Rule 10.703 amended and renumbered effective January 1, 2007; adopted as rule 6.655 effective November 20, 1998; previously amended effective April 29, 1999, July 1, 2002, and January 1, 2006.

Chapter 4. Referees [Reserved]

Chapter 5. Temporary Judges

Rule 10.740. Responsibilities of the trial courts for temporary judge programs

Rule 10.741. Duties and authority of the presiding judge

Rule 10.742. Use of attorneys as court-appointed temporary judges

Rule 10.743. Administrator of temporary judges program

Rule 10.744. Application procedures to serve as a court-appointed temporary judge

Rule 10.745. Performance

Rule 10.746. Complaints

Rule 10.740. Responsibilities of the trial courts for temporary judge programs

Each trial court that uses temporary judges must develop, institute, and operate—by itself or in collaboration with another court or courts—a program to recruit, select, train, and evaluate attorneys qualified to serve as temporary judges.

Rule 10.740 amended and renumbered effective January 1, 2007; adopted as rule 6.740 effective July 1, 2006.

Rule 10.741. Duties and authority of the presiding judge

(a) General duties

The presiding judge is responsible for the recruitment, selection, training, appointment, supervision, assignment, performance, and evaluation of court-appointed temporary judges. In carrying out these responsibilities, the presiding judge is assisted by the Temporary Judge Administrator as provided in rule 10.743.

(Subd (a) amended effective January 1, 2007.)

(b) Authority to remove or discontinue

The presiding judge has the discretion to remove a court-appointed temporary judge or to discontinue using an attorney as a court-appointed temporary judge at any time.

Rule 10.741 amended and renumbered effective January 1, 2007; adopted as rule 6.741 effective July 1, 2006.

Rule 10.742. Use of attorneys as court-appointed temporary judges

(a) Responsibility of the presiding judge

The presiding judge of the trial court is responsible for determining whether that court needs to use attorneys as temporary judges and, if so, the specific purposes for which attorneys are to be appointed as temporary judges.

(b) Conditions for the use of court-appointed temporary judges

The presiding judge may appoint an attorney as a court-appointed temporary judge only if all the following circumstances apply:

- (1) The appointment of an attorney to serve as a temporary judge is necessary to fill a judicial need in that court;
- (2) The attorney serving as a temporary judge has been approved by the court where the attorney will serve under rule 2.810 et seq.;
- (3) The appointment of the attorney as a temporary judge does not result in any conflict of interest; and
- (4) There is no appearance of impropriety resulting from the appointment of the attorney to serve as a temporary judge.

(Subd (b) amended effective January 1, 2007.)

(c) Record and report of uses

Each trial court that uses attorneys as temporary judges must record and report to the Administrative Office of the Courts on a quarterly basis information concerning its use of them. The report must state:

- (1) The number of attorneys used as temporary judges by that court each month;
- (2) The number and types of cases, and the amount of time, on which the temporary judges were used each month; and
- (3) Whether any of the appointments of temporary judges were made under the exception in rule 2.810(d) and, if so, the number of and reasons for these appointments.

(Subd (c) amended effective January 1, 2007.)

Rule 10.742 amended and renumbered effective January 1, 2007; adopted as rule 6.742 effective July 1, 2006.

Advisory Committee Comment

Subdivisions (a)–(b). These subdivisions provide that the presiding judge in each court is responsible for determining whether court-appointed temporary judges need to be used in that court, and these subdivisions furnish the criteria for determining when their use is proper. Under (b)(1), the use and appointment of court-appointed temporary judges must be based on judicial needs. Under (b)(3), an attorney serving as a temporary judge would have a conflict of interest if the disqualifying factors in the Code of Judicial Ethics exist. Under (b)(4), the test for the appearance of impropriety is whether a person aware of the facts might entertain a doubt that the judge would be able to act with integrity, impartiality, and competence. In addition to the disqualifying factors listed in the Code of Judicial Ethics, an

appearance of impropriety would be generated if any of the limitations in family law, unlawful detainer, and other cases identified in the Code of Judicial Ethics are present.

Subdivision (c). Regular recording and reporting of information concerning each court's use of temporary judges assists the courts in monitoring and managing their use of temporary judges. This information is also important for establishing the need for additional judicial positions.

Rule 10.743. Administrator of temporary judges program

(a) Administrator

The presiding judge who appoints attorneys as temporary judges must designate a clerk, executive officer, or other court employee knowledgeable about temporary judges to serve as the Temporary Judge Administrator in that court.

(b) Duties of administrator

Under the supervision of the presiding judge, the Temporary Judge Administrator is responsible for the management of the temporary judges program in the court. The administrator's duties include:

- (1) Receiving and processing applications from attorneys to serve as temporary judges with the court;
- (2) Verifying the information on the applications;
- (3) Assisting the presiding judge in the recruitment and selection of attorneys to serve as temporary judges;
- (4) Administering the court's program for the education and training of temporary judges;
- (5) Maintaining records of attendance and completion of required courses by all attorneys serving as temporary judges in the court;
- (6) Determining that attorneys have satisfied all the conditions required to be appointed as a temporary judge in that court, including continuing education requirements;
- (7) Maintaining a list of attorneys currently appointed and qualified to serve as temporary judges in the court;
- (8) Managing support services for temporary judges, such as providing mentoring programs and reference materials;

- (9) Receiving and processing complaints and other information concerning the performance of attorneys serving as temporary judges;
- (10) Assisting the presiding judge in identifying judicial needs that require the use of temporary judges and in addressing these needs; and
- (11) Maintaining records, gathering statistics, and preparing and transmitting quarterly reports on the court's use of temporary judges as required under rule 10.742(c).

(Subd (b) amended effective January 1, 2007.)

Rule 10.743 amended and renumbered effective January 1, 2007; adopted as rule 6.743 effective July 1, 2006.

Advisory Committee Comment

The goal of this rule is to ensure the effective and efficient administration of the courts' use of temporary judges. The rule should be applied flexibly. In courts with large temporary judge programs, the court may want to designate a full-time administrator, and some of the administrator's duties may be delegated to other individuals. On the other hand, in courts that use only a few temporary judges, the Temporary Judge Administrator position may consume only part of the administrator's time and be combined with other duties. Also, courts that use only a small number of temporary judges may work with other courts, or may cooperate on a regional basis, to perform the functions and duties prescribed under this rule.

Rule 10.744. Application procedures to serve as a court-appointed temporary judge

(a) Application

Every attorney who applies for appointment as a temporary judge in a trial court must complete an application to serve as a temporary judge.

(b) Information required

The attorney must provide all applicable information requested on the application. This information must include:

- (1) The attorney's name and contact information as required by the court;
- (2) The attorney's State Bar number;
- (3) The date of the attorney's admission to the State Bar of California and the dates of his or her admissions to practice in any other state;

- (4) Length of membership in the State Bar of California and of practice in any other state;
- (5) Whether the attorney is in good standing with the State Bar of California and in good standing as an attorney in any other state where the attorney has been admitted to practice;
- (6) Whether the attorney has ever been disciplined, or is the subject of a pending disciplinary proceeding, by the State Bar of California or by any other state bar association or court of record; and, if so, an explanation of the circumstances;
- (7) The areas of specialization for which the attorney has been certified in California or in any other state;
- (8) The attorney's major area or areas of practice;
- (9) Whether the attorney holds himself or herself out publicly as representing exclusively one side in any of the areas of litigation in which the attorney practices;
- (10) Whether the attorney represents one side in more than 90 percent of all cases in any areas of litigation in which the attorney specializes or concentrates his or her practice;
- (11) The location or locations in which the attorney principally practices;
- (12) How often the attorney appears in the court where he or she is applying to serve as a temporary judge;
- (13) A list of the attorney's previous service as a temporary judge in the court where the attorney is applying and in any other court;
- (14) Whether the attorney has ever been removed as a temporary judge by any court;
- (15) The types of cases on which the attorney is willing to serve as a temporary judge;
- (16) Whether the attorney has ever been convicted of a felony or misdemeanor, or is a defendant in any pending felony or misdemeanor proceeding, and, if so, a statement about the conviction or pending proceeding;

- (17) Whether the attorney has been a party in any legal proceeding and, if so, a brief description of the proceedings;
- (18) Information concerning any circumstances or conditions that would adversely affect or limit the attorney's ability to serve as a temporary judge;
- (19) Any facts concerning the attorney's background that may reflect positively or negatively on the attorney or that should be disclosed to the court; and
- (20) Such additional information as the court may require.

(c) Continuing duty to disclose

An attorney appointed by a court to serve as a temporary judge has a continuing duty to disclose to the court any material changes in facts or circumstances that affect his or her ability to serve as a temporary judge. The attorney must disclose the changes to the court before the next time the attorney is assigned to serve as a temporary judge.

(d) Review of application

The presiding judge, assisted by the Temporary Judge Administrator, must review all applications and determine whether each applicant is qualified, has satisfied the requirements of rule 2.812, and should be appointed as a temporary judge. The presiding judge may delegate this task to another judge or a committee of judges, assisted by the Temporary Judge Administrator. In appointing attorneys as temporary judges, the presiding judge may go beyond the minimum qualifications and standards required under the California Rules of Court. The decision whether to appoint, use, retrain, remove, or discontinue using any particular attorney as a temporary judge is at the sole discretion of the presiding judge.

(Subd (d) amended effective January 1, 2007.)

Rule 10.744 amended and renumbered effective January 1, 2007; adopted as rule 6.744 effective July 1, 2006.

Rule 10.745. Performance

(a) Review required

The court must review on a regular basis the performance of temporary judges appointed by that court.

(b) Monitoring performance

In monitoring and reviewing the performance of court-appointed temporary judges, the court may use direct observation, audiotaping of hearings, reports by court staff, comments from mentor judges, and such other means as may be helpful.

Rule 10.745 renumbered effective January 1, 2007; adopted as rule 6.745 effective July 1, 2006.

Rule 10.746. Complaints

Each court must have procedures for receiving, investigating, and resolving complaints against court-appointed temporary judges.

Rule 10.746 renumbered effective January 1, 2007; adopted as rule 6.746 effective July 1, 2006.

Chapter 6. Court Interpreters

Rule 10.761. Regional Court Interpreter Employment Relations Committees

Rule 10.762. Cross-assignments for court interpreter employees

Rule 10.761. Regional Court Interpreter Employment Relations Committees

(a) Creation

Government Code sections 71807–71809 establish four Regional Court Interpreter Employment Relations Committees. Each committee has the authority, for spoken language court interpreters within its region as defined under Government Code section 71807(a), to:

- (1) Set the terms and conditions of employment for court interpreters, subject to meet and confer in good faith, as authorized by Government Code section 71808;
- (2) Adopt reasonable rules and regulations for the administration of employer-employee relations with recognized employee organizations, as authorized by Government Code section 71823(a); and
- (3) Act as the representative of the superior courts within the region in bargaining with a recognized employee organization as authorized by Government Code section 71809.

(b) Membership

- (1) Each Regional Court Interpreter Employment Committee consists of one representative from each superior court that has at least one interpreter employed as a court interpreter as defined by Government Code section 71806 and not excluded by section 71828(d).
- (2) The following regions are established by Government Code section 71807:
 - (A) Region 1: Los Angeles, Santa Barbara, and San Luis Obispo Counties.
 - (B) Region 2: Counties of the First and Sixth Appellate Districts, except Solano County.
 - (C) Region 3: Counties of the Third and Fifth Appellate Districts.
 - (D) Region 4: Counties of the Fourth Appellate District.
- (3) The court executive officer of each superior court may appoint the court's representative, under rule 10.610, which authorizes the court executive officer, acting under the direction of the presiding judge, to oversee the management and administration of the nonjudicial operations of the court.
- (4) Each Regional Court Interpreter Employment Relations Committee may appoint a chief negotiator to bargain with recognized employee organizations. The chief negotiator may be staff of the Administrative Office of the Courts.
- (5) Any superior court that is not entitled to appoint a representative under this rule, including the superior courts of Ventura and Solano Counties, may appoint an advisory member to the committee for its region.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(c) Rules of procedure

Each Regional Court Interpreter Employment Relations Committee may adopt its own rules of procedure, including the procedure for selecting its chair, advisory members, and chief negotiator.

(d) Voting

- (1) Each representative of a superior court has a number of votes equal to the number of court interpreter employees in that trial court as defined by Government Code section 71806 and not excluded by section 71828(d).
- (2) On July 1, 2004, and annually thereafter each Regional Court Interpreter Employment Relations Committee must recalculate the number of votes of each representative of a superior court to equal the number of court interpreter employees in that court.

(Subd (d) amended effective January 1, 2006.)

(e) Administrative Office of the Courts

The staff of the Administrative Office of the Courts will assist each Regional Court Interpreter Employment Relations Committee in performing its functions.

Rule 10.761 amended and renumbered effective January 1, 2007; adopted as rule 6.661 effective March 1, 2003; previously amended effective January 1, 2006.

Rule 10.762. Cross-assignments for court interpreter employees

(a) Purpose

This rule implements a process for cross-assignment of a court interpreter employed by a superior court under Government Code section 71810(b).

(Subd (a) amended effective January 1, 2007.)

(b) Definitions

As used in this rule:

- (1) “Home court” means the superior court in which the court interpreter is an employee. An employee’s home court includes all locations of a superior court within a county.
- (2) “Away court” means the superior court to which the court interpreter is temporarily cross-assigned.
- (3) “Cross-assignment” means any assignment to perform spoken language interpretation for a superior court other than the interpreter’s home court.
- (4) “Regional court interpreter coordinator” means an employee of the Administrative Office of the Courts whose duty it is to locate, assign, and

schedule available court interpreter employees for courts within and across regions, which are described under Government Code section 71807(a).

- (5) “Local court interpreter coordinator” means an employee of a superior court whose duty it is to locate, assign, and schedule available court interpreter employees for his or her court.

(Subd (b) amended effective January 1, 2007.)

(c) Procedure for cross-assignments

- (1) Under Government Code section 71804.5(b) a court interpreter employed by a superior court is not permitted to be an employee of more than one superior court. A court interpreter employed by a superior court may not contract with another court, but may accept appointments to provide services to more than one court through cross-assignments.
- (2) A superior court may attempt to fill an interpreting assignment with the employee of another court before hiring an independent contract court interpreter.
- (3) If a superior court wants to fill an interpreting assignment with the employee of another court, the court must notify the regional court interpreter coordinator to locate an employee of a court within or across regions.
- (4) Each local court interpreter coordinator must provide the schedule of each court interpreter employee available for cross-assignment to the regional court interpreter coordinator.
- (5) A superior court may adopt additional internal procedures for cross-assigning a court interpreter employee that are not inconsistent with Government Code section 71810 and this rule.
- (6) A Regional Court Interpreter Employment Relations Committee may approve alternative procedures for cross-assigning a court interpreter employee that permit the interpreter to directly arrange cross-assignments with an “away” court, provided that the procedures require notice to the regional coordinator.

(Subd (c) amended effective January 1, 2007.)

(d) Payment for cross-assignments

The home court must issue payment to the court interpreter for all cross-assignments, including per diem compensation and mileage reimbursement. The Administrative Office of the Courts will administer funding to the home court for payments associated with cross-assignments.

(Subd (d) amended effective January 1, 2007.)

(e) Duties of a court interpreter on cross-assignment

A court interpreter who accepts a cross-assignment is responsible for following the personnel rules of the home court while performing services for the away court.

(f) Superior courts of Ventura and Solano Counties

The superior courts of Ventura and Solano Counties may participate in the procedure for cross-assignments as follows:

- (1) The Superior Court of Ventura County may accept or provide interpreters on cross-assignment under the procedures established in Region 1, as defined by Government Code section 71807.
- (2) The Superior Court of Solano County may accept or provide interpreters on cross-assignment under the procedures established in Region 2, as defined by Government Code section 71807.

(Subd (f) amended effective January 1, 2007.)

Rule 10.762 amended and renumbered effective January 1, 2007; adopted as rule 6.662 effective March 1, 2003.

Chapter 7. Alternative Dispute Resolution Programs

Rule 10.780. Administration of alternative dispute resolution (ADR) programs

Rule 10.781. Court-related ADR neutrals

Rule 10.782. ADR program information

Rule 10.783. ADR program administration

Rule 10.780. Administration of alternative dispute resolution (ADR) programs

The rules in this chapter concern alternative dispute resolution (ADR) programs administered by the trial courts. General provisions concerning ADR are located in title 2, division 8.

Rule 10.780 adopted effective January 1, 2007.

Rule 10.781. Court-related ADR neutrals

(a) Lists of neutrals

If a court makes available to litigants a list of ADR neutrals, the list must contain, at a minimum, the following information concerning each neutral listed:

- (1) The types of ADR services available from the neutral;
- (2) The neutral's résumé, including ADR training and experience; and
- (3) The fees charged by the neutral for each type of service.

(Subd (a) amended effective January 1, 2007.)

(b) Requirements to be on lists

In order to be included on a court list of ADR neutrals, an ADR neutral must sign a statement or certificate agreeing to:

- (1) Comply with all applicable ethics requirements and rules of court and;
- (2) Serve as an ADR neutral on a pro bono or modest-means basis in at least one case per year, not to exceed eight hours, if requested by the court. The court must establish the eligibility requirements for litigants to receive, and the application process for them to request, ADR services on a pro bono or modest-means basis.

(Subd (b) amended effective January 1, 2007.)

Rule 10.781 amended and renumbered effective January 1, 2007; adopted as rule 1580.1 effective January 1, 2001.

Rule 10.782. ADR program information

(a) Report to Judicial Council

Each court must report information on its ADR programs to the Judicial Council, as requested by the Administrative Office of the Courts.

(Subd (a) amended effective January 1, 2007.)

(b) Parties and ADR neutrals to supply information

Subject to applicable limitations, including the confidentiality requirements in Evidence Code section 1115 et seq., courts must require parties and ADR neutrals, as appropriate, to supply pertinent information for the reports required under (a).

(Subd (b) amended effective January 1, 2007.)

Rule 10.782 amended and renumbered effective January 1, 2007; adopted as rule 1580.2 effective January 1, 2001.

Rule 10.783. ADR program administration

(a) ADR program administrator

The presiding judge in each trial court must designate the clerk or executive officer, or another court employee who is knowledgeable about ADR processes, to serve as ADR program administrator. The duties of the ADR program administrator must include:

- (1) Developing informational material concerning the court's ADR programs;
- (2) Educating attorneys and litigants about the court's ADR programs;
- (3) Supervising the development and maintenance of any panels of ADR neutrals maintained by the court; and
- (4) Gathering statistical and other evaluative information concerning the court's ADR programs.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.

(b) ADR committee

(1) *Membership in courts with 18 or more authorized judges*

In each superior court that has 18 or more authorized judges, there must be an ADR committee. The members of the ADR committee must include, insofar as is practicable:

- (A) The presiding judge or a judge designated by the presiding judge;
- (B) One or more other judges designated by the presiding judge;

- (C) The ADR program administrator;
- (D) Two or more active members of the State Bar chosen by the presiding judge as representatives of those attorneys who regularly represent parties in general civil cases before the court, including an equal number of attorneys who represent plaintiffs and who represent defendants in these cases;
- (E) One or more members of the court's panel of arbitrators chosen by the presiding judge; and
- (F) If the court makes available to litigants a list of any ADR neutrals other than arbitrators, one or more neutrals chosen by the presiding judge from that list.

(2) *Additional members*

The ADR committee may include additional members selected by the presiding judge.

(3) *ADR committee in other courts*

Any other court may by rule establish an ADR committee as provided in (b)(1). Otherwise, the presiding judge or a judge designated by the presiding judge must perform the functions and have the powers of an ADR committee as provided in these rules.

(4) *Term of membership*

ADR committee membership is for a two-year term. The members of the ADR committee may be reappointed and may be removed by the presiding judge.

(5) *Responsibilities of ADR committee*

The ADR committee is responsible for overseeing the court's alternative dispute resolution programs for general civil cases, including those responsibilities relating to the court's judicial arbitration program specified in rule 3.813(b).

(Subd (b) amended effective January 1, 2007; previously adopted effective January 1, 2004.)

Rule 10.783 amended and renumbered effective January 1, 2007; adopted as rule 1580.3 effective January 1, 2001; previously amended effective January 1, 2004.

Chapter 8. Trial Court Budget and Fiscal Management

Rule 10.800. Superior court budgeting

Rule 10.801. Superior court budget procedures

Rule 10.802. Maintenance of and public access to budget and management information

Rule 10.803. Information access disputes—writ petitions (Gov. Code, § 71675)

Rule 10.804. Superior court financial policies and procedures

Rule 10.805. Notice of change in court-county relationship

Rule 10.810. Court operations

Rule 10.811. Reimbursement of costs associated with homicide trials

Rule 10.815. Fees to be set by the court

Rule 10.820. Acceptance of credit cards by the superior courts

Rule 10.821. Acceptance of checks and other negotiable paper

Rule 10.830. Disposal of surplus court personal property

Rule 10.800. Superior court budgeting

(a) Purpose

This rule provides for local authority and accountability for development of budget requests and management of court operations within the authorized funding level. Superior courts must manage their budgets in a manner that is responsive to local needs, ensures equal access to justice, is consistent with Judicial Council policy and legislative direction, and does not exceed the total allocated budget.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Development of budget requests

Each superior court must prepare and submit to the Administrative Office of the Courts a budget according to the schedule and procedures established by the Judicial Council.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(c) Allocation of funding

- (1) The funding allocation to each superior court is based on the amounts incorporated for that court in budget change proposals that have been funded through the Budget Act, except as otherwise ordered by the Judicial Council. The superior court of each county may distribute and periodically redistribute its annual allocation between programs, locations, and line items as needed, within the parameters of the *Trial Court Financial Policies and Procedures Manual* and consistent with council policy direction, to promote accessible justice and the effective, efficient, and accountable operation of the courts. The Judicial Council may make additional allocations as it deems appropriate.
- (2) Each superior court is accountable for achieving the expected outcomes of the programs funded for that year. If a court is unable to do so, it must report the reasons to the Judicial Council.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2002.)

Rule 10.800 amended and renumbered effective January 1, 2007; adopted as rule 2530 effective July 1, 1998; renumbered as rule 6.700 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.801. Superior court budget procedures

(a) Adoption of budget procedures by the Administrative Office of the Courts

The Administrative Office of the Courts must adopt superior court budget procedures to be included in the *Trial Court Financial Policies and Procedures Manual*, the annual Baseline Budget Development Package, and the annual *Budget Change Request Package*. These procedures include the following:

- (1) Procedures permitting the superior courts to comment on the proposed budget procedures;
- (2) Procedures for budget development, submission, and appeal;
- (3) Procedures for budget implementation, including expenditure and revenue reporting;
- (4) Reasonable time frames to comply with requirements or changes in the budget procedures;
- (5) Procedures to ensure the reporting to the Judicial Council of relevant information on the implementation of programs funded;

- (6) Procedures for providing timely management information to the Judicial Council on the baseline budget, revenues, and expenditures.
- (7) An annual budget development and implementation calendar;
- (8) Procedures for a superior court to follow if it projects that its budget will be exhausted before the end of the fiscal year, preventing the court from meeting its financial obligations or continuing operations; and
- (9) Procedures governing the transfer of funds between individual programs and operations of expenditure.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Technical assistance

The Administrative Office of the Courts, on request, provides technical assistance and ongoing training in budget development and implementation to the superior courts.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

Rule 10.801 amended and renumbered effective January 1, 2007; adopted as rule 2531 effective July 1, 1998; renumbered as rule 6.701 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.802. Maintenance of and public access to budget and management information

(a) Maintenance of information by the superior court

Each superior court must maintain for a period of three years from the close of the fiscal year to which the following relate:

- (1) Official documents of the superior court pertaining to the approved superior court budget allocation adopted by the Judicial Council and actual final year-end superior court revenue and expenditure reports as required in budget procedures issued by the Administrative Office of the Courts to be maintained or reported to the council, including budget allocation, revenue, and expenditure reports;
- (2) Records or other factual management information on matters that are within the scope of representation as defined in Government Code section 71634 unless distribution is otherwise precluded by law; and

- (3) Records or other factual management information on other matters referred to in Government Code section 71634 unless distribution is otherwise precluded by law.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(b) Maintenance of information by the Administrative Office of the Courts

The Administrative Office of the Courts must maintain for a period of three years from the close of the fiscal year to which the following relate:

- (1) Official approved budget allocations for each superior court;
- (2) Actual final year-end superior court revenue and expenditure reports required by budget procedures issued by the Administrative Office of the Courts to be maintained or reported to the council that are received from the courts including budget revenues and expenditures for each superior court;
- (3) Budget priorities as adopted by the council; and
- (4) Documents concerning superior court budgets considered or adopted by the council at council business meetings on court budgets.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(c) Legislative priorities or mandates

The information maintained under (a) and (b) must indicate, to the extent known, the legislative requirements the funding is intended to address, if any, and any itemization of the funding allocation by purpose, program or function, and item of expense.

(Subd (c) amended effective January 1, 2004.)

(d) Public access

- (1) Each superior court must, on written request, make available to the requesting person those documents required to be maintained under (a).
- (2) The Administrative Office of the Courts must, on written request, make available to the requesting person those documents required to be maintained under (b).

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(e) Time for response

Information requested under this rule must be made available within 10 business days of receipt of the written request for information relating to the current or immediate previous fiscal year. Information relating to other fiscal years must be made available within 20 business days of receipt of the written request for information. If the information requested is not within the scope of this rule, the Administrative Office of the Courts or the superior court must so inform the requesting party within 10 business days of receipt of the written request.

(Subd (e) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(f) Costs

The Administrative Office of the Courts and the superior court may charge a reasonable fee to cover any cost of copying any document provided under this rule. The amount of the fee must not exceed the direct cost of duplication. A recognized employee organization and a superior court may provide for a different amount in their memorandum of understanding.

(Subd (f) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(g) Preparation of reports not required

This rule does not require the Judicial Council, the Administrative Office of the Courts, or any superior court to prepare any budgetary, revenue, or expense report or documentation that is not otherwise expressly required to be prepared by this rule or any other provision of law or rule of court.

(Subd (g) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(h) Effect on other rules

This rule is not intended to repeal, amend, or modify the application of any rule adopted by the council before the effective date of this rule. To the extent that any other rule is contrary to the provisions of this rule, this rule applies.

(Subd (h) amended effective January 1, 2007; adopted as subd (i) effective January 1, 2001; previously amended and relettered effective January 1, 2004.)

(i) Public Records Act

The information required to be provided by (a) and (b) of this rule must be interpreted consistently with the requirement that the same information be provided under the Public Records Act (beginning with Government Code section 6250), and the terms have the same meaning as under that act. This rule does not require the disclosure of information that would not be subject to disclosure under that act.

(Subd (i) amended effective January 1, 2007; adopted as subd (j) effective January 1, 2001; previously amended and relettered effective January 1, 2004.)

(j) Internal memoranda

Nothing in this rule requires disclosure of internal memoranda unless otherwise required by law.

(Subd (j) amended and relettered effective January 1, 2004; adopted as subd (k) effective January 1, 2001.)

(k) Rights of exclusive bargaining agent

Nothing in this rule is intended to restrict the rights to disclosure of information otherwise granted by law to a recognized employee organization.

(Subd (k) amended and relettered and amended effective January 1, 2004; adopted as subd (l) effective January 1, 2001.)

(l) Informational sessions

The Administrative Office of the Courts will provide informational sessions and materials on superior court budgets for the general public and designated employee representatives. The information will include the following areas, among others:

- (1) Description and timing of the budget development process, including decisions made at each phase of the cycle, and how budget priorities are determined;
- (2) Availability of budget information, including the type of information available, when it is available, and how it can be obtained; and
- (3) The authority of a superior court to reallocate funds between budget program components.

(Subd (l) amended effective January 1, 2007; adopted effective January 1, 2004.)

Rule 10.802 amended and renumbered effective January 1, 2007; adopted as rule 6.702 effective January 1, 2001; previously amended effective July 1, 2001, July 1, 2002, and January 1, 2004.

Rule 10.803. Information access disputes—writ petitions (Gov. Code, § 71675)

(a) Availability

This rule applies to petitions filed under Government Code section 71675(b).

(Subd (a) amended effective January 1, 2007.)

(b) Assignment of Court of Appeal justice to hear the petition

- (1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)):

“Writ petition filed under Government Code section 71675—Assignment of Court of Appeal justice required.”

- (2) When the petition is filed, the clerk of the court must immediately request of the Judicial Assignments Unit of the Administrative Office of the Courts the assignment of a hearing judge from the panel established under (e).
- (3) The judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

(Subd (b) amended effective January 1, 2007.)

(c) Superior court hearing

- (1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.
- (2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under (e).

(Subd (c) amended effective January 1, 2007.)

(d) Appeal

An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)):

“Notice of Appeal on Writ Petition filed under Government Code section 71675—Expedited Processing Requested.”

(Subd (d) amended effective January 1, 2007.)

(e) Panel of hearing judges

The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

- (1) The panel must include at least one justice from each district of the Court of Appeal.
- (2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

Rule 10.803 amended and renumbered effective January 1, 2007; adopted as rule 6.710 effective October 15, 2004.

Rule 10.804. Superior court financial policies and procedures

(a) Adoption of financial policies and procedures by the Administrative Office of the Courts

The Administrative Office of the Courts must prepare and adopt a financial policies and procedures manual for the superior courts (the “*Trial Court Financial Policies and Procedures Manual*”), consistent with the rules of court and policies adopted by the Judicial Council. The manual must include accounting standards for superior courts and policies and procedures for procurement and contracting by superior courts. These policies and procedures must not modify superior courts’ existing authority to procure, contract for, or use goods or services or the requirement that a court have authorized funding available in order to procure or contract for any good or service.

(Subd (a) amended effective January 1, 2007.)

(b) Comment period for financial policies and procedures

Before issuing or amending the *Trial Court Financial Policies and Procedures Manual*, the Administrative Office of the Courts must make it available for comment from the superior courts and from the Department of Finance and the State Controller's Office for 30 days.

(Subd (b) amended effective January 1, 2007.)

(c) Date of adherence to financial policies and procedures

Superior courts must adhere to the requirements contained in the *Trial Court Financial Policies and Procedures Manual*, except as otherwise provided in the manual. Superior courts must not be required to adhere to any amendment to the manual sooner than 60 days after the amendment is adopted.

(Subd (c) amended effective January 1, 2007.)

Rule 10.804 amended and renumbered effective January 1, 2007; adopted as rule 6.707 effective January 1, 2001.

Rule 10.805. Notice of change in court-county relationship

If, under Government Code section 77212, the county gives notice to the superior court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court must, within 10 days of receiving or giving such notice, provide a copy of this notice to the Finance Division of the Administrative Office of the Courts.

Rule 10.805 amended and renumbered effective January 1, 2007; adopted as rule 6.705 effective January 1, 2000.

Rule 10.810. Court operations

(a) Definition

Except as provided in subdivision (b) and subject to the requirements of subdivisions (c) and (d), "court operations" as defined in Government Code section 77003 includes the following costs:

- (1) *(judicial salaries and benefits)* salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers;

- (2) *(nonjudicial salaries and benefits)* salaries, benefits, and public agency retirement contributions for superior and municipal court staff whether permanent, temporary, full- or part-time, contract or per diem, including but not limited to all municipal court staff positions specifically prescribed by statute and county clerk positions directly supporting the superior courts;
- (3) salaries and benefits for those sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts and the supervisors of those sheriff, marshal, and constable employees who directly supervise the court security function;
- (4) court-appointed counsel in juvenile dependency proceedings, and counsel appointed by the court to represent a minor as specified in Government Code section 77003;
- (5) *(services and supplies)* operating expenses in support of judicial officers and court operations;
- (6) *(collective bargaining)* collective bargaining with respect to court employees; and
- (7) *(indirect costs)* a share of county general services as defined in subdivision (d), Function 11, and used by the superior and municipal courts.

(Subd (a) amended effective July 1, 1995; previously amended effective January 1, 1989, July 1, 1990, and July 1, 1991.)

(b) Exclusions

Excluded from the definition of “court operations” are the following:

- (1) law library operations conducted by a trust pursuant to statute;
- (2) courthouse construction and site acquisition, including space rental (for other than court records storage), alterations/remodeling, or relocating court facilities;
- (3) district attorney services;
- (4) probation services;
- (5) indigent criminal and juvenile delinquency defense;

- (6) civil and criminal grand jury expenses and operations (except for selection);
- (7) pretrial release services;
- (8) equipment and supplies for use by official reporters of the courts to prepare transcripts as specified by statute; and
- (9) county costs as provided in subdivision (d) as unallowable.

(Subd (b) amended effective July 1, 1995; adopted effective July 1, 1988 as subd (c); previously amended effective January 1, 1989, and July 1, 1990.)

(c) Budget appropriations

Costs for court operations specified in subdivision (a) shall be appropriated in county budgets for superior and municipal courts, including contract services with county agencies or private providers except for the following:

- (1) salaries, benefits, services, and supplies for sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts;
- (2) salaries, benefits, services, and supplies for county clerk activities directly supporting the superior court; and
- (3) costs for court-appointed counsel specified in Government Code section 77003.

Except as provided in this subdivision, costs not appropriated in the budgets of the courts are unallowable.

(Subd (c) amended effective July 1, 1995; adopted as subd (d) effective July 1, 1990.)

(d) Functional budget categories

Trial court budgets and financial reports shall identify all allowable court operations in the following eleven (11) functional budget categories. Costs for salary, wages, and benefits of court employees are to be shown in the appropriate functions provided the individual staff member works at least 25 percent time in that function. Individual staff members whose time spent in a function is less than 25 percent are reported in Function 10, All Other Court Operations. The functions and their respective costs are as follows:

Function 1. Judicial Officers

Costs reported in this function are
Salaries and state benefits of
Judges
Full- or part-time court commissioners
Full- or part-time court referees
Assigned judges' in-county travel expenses
Costs not reported in this function include
County benefits of judicial officers (Function 10)
Juvenile traffic hearing officers (Function 10)
Mental health hearing officers (Function 10)
Pro tem hearing officers (Function 10)
Commissioner and referee positions specifically excluded by statute from state trial court funding (unallowable)
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 2. Jury Services

Costs reported in this function are
Juror expenses of per diem fees and mileage
Meals and lodging for sequestered jurors
Salaries, wages, and benefits of jury commissioner and jury services staff (including selection of grand jury)
Contractual jury services
Jury-related office expenses (other than information technology)
Jury-related communications, including "on call" services
Costs not reported in this function include
Juror parking (unallowable)
Civil and criminal grand jury costs (unallowable)
Jury-related information systems (Function 9)

Function 3. Verbatim Reporting

Costs reported in this function are
Salaries, wages, and benefits of court reporters who are court employees
Salaries, wages, and benefits of electronic monitors and support staff
Salaries, wages, and benefits of verbatim reporting coordinators and clerical support staff
Contractual court reporters and monitors

Transcripts for use by appellate or trial courts, or as otherwise required by law
Related office expenses and equipment (purchased, leased, or rented) used to record court proceedings, except as specified in Government Code § 68073, e.g., notepaper, pens, and pencils ER equipment and supplies
Costs not reported in this function include
Office expenses and equipment for use by reporters to prepare transcripts (unallowable)
Expenses specified in Government Code § 69073 (unallowable)
Space use charges for court reporters (unallowable)

Function 4. Court Interpreters

Costs reported in this function are
Salaries, wages, and benefits of courtroom interpreters and interpreter coordinators
Per diem and contractual courtroom interpreters, including contractual transportation and travel allowances
Costs not reported in this function include
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 5. Collections Enhancement

Collections performed in the enforcement of court orders for fees, fines, forfeitures, restitutions, penalties, and assessments (beginning with the establishment of the accounts receivable record)
Costs reported in this function are
Salaries, wages, and benefits of collection employees of the court, e.g., financial hearing officers evaluation officers collection staff
Contract collections costs
County charges for collection services provided to the court by county agencies
Related services, supplies, and equipment (except data processing, Function 9)
Costs not reported in this function include
Staff whose principal involvement is in collecting “forthwith” payments, e.g., counter clerks (Function 10) cashiers (Function 10)

Function 6. Dispute Resolution Programs

Costs reported in this function are
Arbitrators' fees in mandatory judicial arbitration programs
Salaries, wages, and benefits of court staff providing child custody and visitation mediation and related investigation services, e.g., Director of Family Court Services mediators conciliators investigators clerical support staff
Contract mediators providing child custody and visitation mediation services
Salaries, wages, benefits, fees, and contract costs for other arbitration and mediation programs (programs not mandated by statute), e.g., arbitration administrators clerical support staff arbitrators' fees and expenses
Costs not reported in this function include
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 7. Court-Appointed Counsel (Noncriminal)

Costs reported in this function are
Expenses for court-appointed counsel as specified in Government Code § 77003

Function 8. Court Security

Court security services as deemed necessary by the court. Includes only the duties of (a) courtroom bailiff, (b) perimeter security (i.e., outside the courtroom but inside the court facility), and (c) at least .25 FTE dedicated supervisors of these activities.
Costs reported in this function are
Salary, wages, and benefits (including overtime) of sheriff, marshal, and constable employees who perform the court's security, i.e., bailiffs weapons-screening personnel
Salary, wages, and benefits (including overtime) of court staff performing court security, e.g., court attendants
Contractual security services
Salary, wages, and benefits of supervisors of sheriff, marshal, and constable employees whose duties are greater than .25 FTE dedicated to this function

Sheriff, marshal, and constable employee training
Purchase of security equipment
Maintenance of security equipment
Costs not reported in this function include
Other sheriff, marshal, or constable employees (unallowable)
Court attendant training (Function 10)
Overhead costs attributable to the operation of the sheriff and marshal offices (unallowable)
Costs associated with the transportation and housing of detainees from the jail to the courthouse (unallowable)
Service of process in civil cases (unallowable)
Services and supplies, including data processing, not specified above as allowable
Supervisors of bailiffs and perimeter security personnel of the sheriff, marshal, or constable office who supervise these duties less than .25 FTE time (unallowable)

Function 9. Information Technology

Costs reported in this function are
Salaries, wages, and benefits of court employees who plan, implement, and maintain court data processing and information technologies, e.g., programmers analysts
Contract and consulting services associated with court information/data processing needs and systems
County Information Systems/Data Processing Department charges made to court for court systems, e.g., jury-related systems court and case management, including courts' share of a criminal justice information system accounts receivable/collections systems
Related services, supplies, and equipment, e.g., software purchases and leases maintenance of automation equipment training associated with data processing systems' development
Costs not reported in this function include
Information technology services not provided directly to the courts (i.e., services used by other budget units)
Data processing for county general services, e.g., payroll, accounts payable (Function 11)

Function 10. All Other Court Operations

Costs reported in this function are
Salaries, wages, and benefits (including any pay differentials and overtime) of court staff (a) not reported in Functions 2-9, or (b) whose time cannot be allocated to Functions 2-9 in increments of at least 25 percent time (.25 FTE);
Judicial benefits, county-paid
Allowable costs not reported in Functions 2-9.
(Nonjudicial staff) Cost items may include, for example, juvenile traffic hearing officer mental health hearing officer court-appointed hearing officer (pro tem) executive officer court administrator clerk of the court administrative assistant personnel staff legal research personnel; staff attorney; planning and research staff secretary courtroom clerk clerical support staff calendar clerk deputy clerk accountant cashier counter clerk microfilming staff management analyst probate conservatorship and guardianship investigators probate examiner training staff employed by the court
Personnel costs not reported in this function:
Any of the above not employed by the court
(Services and supplies) Cost items may include, for example, office supplies printing postage communications publications and legal notices, by the court miscellaneous departmental expenses books, publications, training fees, and materials for court personnel (judicial and nonjudicial)

<p> travel and transportation (judicial and nonjudicial) professional dues memberships and subscriptions statutory multidistrict judges' association expenses research, planning, and program coordination expenses small claims advisor program costs court-appointed expert witness fees (for the court's needs) court-ordered forensic evaluations and other professional services (for the court's own use) pro tem judges' expenses micrographics expenses public information services vehicle use, including automobile insurance equipment (leased, rented, or purchased) and furnishings, including interior painting, replacement/maintenance of flooring, and furniture repair maintenance of office equipment janitorial services legal services for allowable court operations (County Counsel and contractual) fidelity and faithful performance insurance (bonding and personal liability insurance on judges and court employees) insurance on cash money and securities (hold-up and burglary) general liability/comprehensive insurance for other than faulty maintenance or design of facility (e.g., "slip and fall," other injury, theft and damage of court equipment, slander, discrimination) risk management services related to allowable insurance space rental for court records county records retention/destruction services county messenger/mail service court audits mandated under Government Code § 71383 </p>
<p> Service and supply costs not reported in this function include Civic association dues (unallowable) Facility damages insurance (unallowable) County central service department charges not appropriated in the court budget (unallowable) </p>

Function 11. County General Services ("Indirect Costs")

General county services are defined as all eligible accounting, payroll, budgeting, personnel, purchasing, and county administrator costs rendered in support of court operations. Costs for included services are allowable to the extent the service is provided to the court. The following costs, regardless of how characterized by the county or by which county department they are performed, are reported in this function only and are subject to the statutory maximum for indirect costs as specified in Government Code §

77003. To the extent costs are allowable under this rule, a county's approved Cost Plan may be used to determine the specific cost although the cost categories, or functions, may differ.

Cost items within the meaning of rule 10.810(a)(7) and the county departments often performing the service may include, for example,

County Administrator

- budget development and administration
- interdepartmental budget unit administration and operations
- personnel (labor) relations and administration

Auditor-Controller

- payroll
- financial audits
- warrant processing
- fixed asset accounting
- departmental accounting for courts, e.g., fines, fees, forfeitures, restitutions, penalties, and assessments; accounting for the Trial Court Special

Revenue Fund

- accounts payable
- grant accounting
- management reporting
- banking

Personnel

- recruitment and examination of applicants
- maintenance and certification of eligible lists
- position classification
- salary surveys
- leave accounting
- employment physicals
- handling of appeals

Treasurer/Tax Collector

- warrant processing
- bank reconciliation
- retirement system administration
- receiving, safeguarding, investing, and disbursing court funds

Purchasing Agent

- process departmental requisitions
- issue and analyze bids
- make contracts and agreements for the purchase or rental of personal property
- store surplus property and facilitate public auctions

Unallowable costs

<p>Unallowable court-related costs are those</p> <ul style="list-style-type: none"> (a) in support of county operations, (b) expressly prohibited by statute, (c) facility-related, or (d) exceptions of the nature referenced in Functions 1-11.
<p>Unallowable cost items, including any related data processing costs, are not reported in Functions 1-11 and may include, for example,</p> <ul style="list-style-type: none"> Communications <ul style="list-style-type: none"> central communication control and maintenance for county emergency and general government radio equipment Central Collections <ul style="list-style-type: none"> processing accounts receivable for county departments (not courts) County Administrator <ul style="list-style-type: none"> legislative analysis and activities preparation and operation of general directives and operating procedures responses to questions from the Board, outside agencies, and the public executive functions: Board of Supervisors county advisory councils Treasurer/Tax Collector <ul style="list-style-type: none"> property tax determination, collection, etc. General Services <ul style="list-style-type: none"> rental and utilities support coordinate county's emergency services Property Management <ul style="list-style-type: none"> negotiations for the acquisition, sale, or lease of property, except for space rented for storage of court records making appraisals negotiating utility relocations assisting County Counsel in condemnation actions preparing deeds, leases, licenses, easements collecting rents building lease management services (except for storage of court records) Facility-related <ul style="list-style-type: none"> construction services right-of-way and easement services purchase of land and buildings construction depreciation of buildings/use allowance space rental/building rent (except for storage of court records) building maintenance and repairs (except interior painting and to replace/repair flooring) purchase, installation, and maintenance of H/V/A/C equipment maintenance and repair of utilities

utility use charges (e.g., heat, light, water) elevator purchase and maintenance alterations/remodeling landscaping and grounds maintenance services exterior lighting and security insurance on building damages (e.g., fire, earthquake, flood, boiler and machinery) grounds' liability insurance parking lot or facility maintenance juror parking
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(Subd (d) amended effective January 1, 2007; previously amended and relettered effective July 1, 1995.)

Rule 10.810 amended and renumbered effective January 1, 2007; adopted as rule 810 effective July 1, 1988; previously amended effective July 1, 1989, July 1, 1990, July 1, 1991, and July 1, 1995.

Advisory Committee Comment

Rule 10.810 is identical to former rule 810, except for the rule number. All references in statutes or rules to rule 810 apply to this rule.

Rule 10.811. Reimbursement of costs associated with homicide trials

(a) Intent

This rule permits courts that meet certain criteria to request reimbursement of extraordinary costs of homicide trials.

(Subd (a) amended effective January 1, 2007.)

(b) Criteria

A court that requests reimbursement of extraordinary costs of a homicide trial must meet all the following criteria:

- (1) Be located in a county with a population of 300,000 or less;
- (2) Have incurred extraordinary costs of a homicide trial; and
- (3) Demonstrate an actual need for reimbursement.

(c) Submission

A request for reimbursement must be submitted by the court's presiding judge or executive officer to the Administrative Office of the Courts. All requests for reimbursement must comply with guidelines approved by the Judicial Council and include a completed *Request for Reimbursement of Extraordinary Homicide Trial Costs* form.

Rule 10.811 amended and renumbered effective January 1, 2007; adopted as rule 6.711 effective January 1, 2005.

Rule 10.815. Fees to be set by the court

(a) Authority

Under Government Code section 70631, a superior court may charge a reasonable fee for a service or product not to exceed the costs of providing the service or product, if the Judicial Council approves the fee.

(b) Approved fees

The Judicial Council authorizes courts to charge a reasonable fee not to exceed costs for the following products and services unless courts are prohibited by law from charging a fee for, or providing, the product or service:

- (1) Forms;
- (2) Packages of forms;
- (3) Information materials;
- (4) Publications, including books, pamphlets, and local rules;
- (5) Compact discs;
- (6) DVDs;
- (7) Audiotapes;
- (8) Videotapes;
- (9) Microfiches;

- (10) Envelopes;
- (11) Postage;
- (12) Shipping;
- (13) Off-site retrieval of documents;
- (14) Direct fax filing under rule 2.304 (fee per page);
- (15) Returning filed-stamped copies of documents by fax to persons who request that a faxed copy be sent to them;
- (16) Training programs for attorneys who serve as court-appointed temporary judges, including the materials and food provided to the participants; and
- (17) Other training programs or events, including materials and food provided to the participants.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2006.)

(c) Guidelines for determining costs

The fee charged for any product or service listed in (b) may not exceed the court's cost in providing the product or service. In determining the costs of a product or service, the court must:

- (1) Identify the specific product or service; and
- (2) Prepare an analysis of the direct and indirect costs on which the fee is based.

(d) Reasonableness

In deciding what specific fee or fees, if any, to charge for a product or service under (b), the court must determine that the fee charged is reasonable considering relevant factors such as the benefits to the court and the public from providing the product or service and the effects of charging the fee on public access to the court.

(e) Reporting requirement

Each court that charges a fee under this rule must provide the Administrative Office of the Courts with a description of the fee, how the amount of the fee was determined, and how the fee is applied.

(f) Public notice

The court must notify the public of any fee that it charges under this rule by providing information concerning the fee in a conspicuous place such as the court's fee schedule.

(g) Procedure for adoption of fee

If a court proposes to change any fee authorized under (b) that it is already charging or to charge any new fee authorized under (b), the court must follow the procedures for adopting or amending a local rule under rule 10.613 of the California Rules of Court.

(Subd (g) amended effective January 1, 2007; previously amended effective July 1, 2006.)

Rule 10.815 amended and renumbered effective January 1, 2007; adopted as rule 6.712 effective January 1, 2006; previously amended effective July 1, 2006.

Rule 10.820. Acceptance of credit cards by the superior courts

(a) Delegation of authority to Administrative Director of the Courts

The Administrative Director of the Courts is authorized, under rule 10.80, to approve on behalf of the Judicial Council requests from the superior courts to accept credit cards for the payment of court fees or to impose a charge for the use of credit cards. The authority is given to the Judicial Council by Government Code section 6159.

(Subd (a) amended effective January 1, 2007.)

(b) Standards for use of credit cards

The Administrative Director of the Courts is authorized to approve requests under (a) for acceptance of credit cards if all of the following are true:

- (1) The court (A) imposes a fee for the use of the credit card, or (B) demonstrates that the cost of acceptance of credit cards is not greater than the cost of acceptance of other means of payment of fees, or (C)

demonstrates that it can absorb the cost of the acceptance of the credit card;

- (2) The court has obtained a credit card acceptance contract that is competitive with other possible contracts the court could obtain; and
- (3) The court provides alternative means for a person to pay court fees.

(Subd (b) amended effective January 1, 2007.)

(c) Standards for charge for the use of credit cards

The Administrative Director of the Courts is authorized to approve requests under (a) for the imposition of a charge for the use of credit cards if both of the following are true:

- (1) The proposed fee is not greater than the cost for acceptance of a credit card; and
- (2) The proposed fee would not result in an undue hardship on people wishing to use credit cards for payment of fees.

(Subd (c) amended effective January 1, 2007.)

(d) Referral to Judicial Council

The Administrative Director of the Courts may refer any request under (a) to the Judicial Council for its action.

(Subd (d) amended effective January 1, 2007.)

(e) Existing approvals ratified

The approval of any board of supervisors for superior court to accept credit cards or charge a fee for the use of credit cards that was effective as of December 31, 1999, is ratified by the council as of January 1, 2000.

(Subd (e) amended effective January 1, 2007.)

Rule 10.820 amended and renumbered effective January 1, 2007; adopted as rule 6.703 effective January 1, 2000.

Rule 10.821. Acceptance of checks and other negotiable paper

(a) Conditions for acceptance

A personal check, bank cashier's check, money order, or traveler's check tendered in payment of any fee, fine, or bail deposit under Government Code section 71386 or Vehicle Code section 40510 or 40521 must be accepted by the court:

- (1) If the personal check is drawn on a banking institution located in California by a person furnishing satisfactory proof of residence in California, is payable to the court without a second party endorsement, and is in an amount not exceeding the amount of the payment and is not postdated or staledated, unless the person drawing the check is known to have previously tendered worthless checks; or
- (2) If the bank cashier's check or money order is drawn on a banking institution located in the United States and is in an amount not exceeding the amount of the payment; or
- (3) If the person presenting the traveler's check shows satisfactory identification.

(Subd (a) amended effective January 1, 2007.)

(b) Requiring satisfactory proof of good credit

Except for checks tendered under the conditions specified in Vehicle Code section 40521(a), a court may require that a person drawing a personal check furnish satisfactory proof of good credit by showing a valid recognized credit card or by any other reasonable means.

(Subd (b) amended effective January 1, 2007.)

(c) Written policy for acceptance or rejection

A court may accept or reject any check or money order not meeting the requirements of this rule, under a written policy adopted by the court under Government Code section 71386(a).

(Subd (c) amended effective January 1, 2007.)

Rule 10.821 amended and renumbered effective January 1, 2007; adopted as rule 805 effective July 1, 1981.

Rule 10.830. Disposal of surplus court personal property

(a) Disposal of surplus property

Except as provided in (b), a superior court may:

- (1) Sell, at fair market value, any personal property of the court that is no longer needed for court use;
- (2) Trade or exchange any surplus personal property of the court, according to such terms and conditions as are agreed on, for personal property of another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, if the property to be acquired by the court is needed for court use;
- (3) Donate, sell at less than fair market value, or otherwise transfer to another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, according to such terms and conditions as are agreed on, any personal property of the court that is no longer needed for court use; and
- (4) Dispose of any personal property of the court that is no longer needed for court use, and that has negligible or no economic value, in any manner the court deems appropriate.

(Subd (a) amended effective January 1, 2007.)

(b) Exception for disposal of technology equipment acquired on or after July 1, 2000

A superior court that wishes to dispose of surplus technology equipment to which the court acquired title on or after July 1, 2000 must provide a written description of such technology equipment to the Administrative Director of the Courts. If, within 60 days of receipt of the description, the Administrative Director determines that another court of record of the State of California is in need of the surplus technology equipment, the court holding title to the equipment must donate it to the court determined to be in need. If the

Administrative Director determines that no other court needs the equipment or makes no determination within 60 days of receiving the written description of it, the court holding title to the equipment may dispose of it as provided in (a), (c), and (d). The Administrative Director must provide to the courts a definition of the term “technology equipment” as used in this rule and must provide 30 days’ notice of any amendment to the definition.

(Subd (b) amended effective January 1, 2007.)

(c) Notice of disposal

Unless the property to be transferred under this rule is valued at \$500 or less or the entity to which the property is to be transferred is another court of record of the State of California, the transferring superior court must, at least one week before the transfer, place a notice of its intended action:

- (1) In three public places; or
- (2) On the court’s Web site; or
- (3) In a newspaper of general circulation published in the county.

(Subd (c) amended effective January 1, 2007.)

(d) Proceeds of disposal

Any proceeds of a sale or other transfer under this rule must be deposited in the superior court’s operations fund.

(Subd (d) amended effective January 1, 2007.)

Rule 10.830 amended and renumbered effective January 1, 2007; adopted as rule 6.709 effective January 1, 2001.

Chapter 9. Trial Court Records Management

Rule 10.851. Court indexes—automated maintenance

Rule 10.855. Superior court records sampling program

Rule 10.856. Notice of superior court records destruction

Rule 10.851. Court indexes—automated maintenance

(a) Authorized media

The clerk of each trial court may create, maintain, update, and make accessible the indexes required by law by photographic, microphotographic, photocopy, mechanical, magnetic, or electronic means. The clerk must make provision for preserving the information on a medium that will ensure its permanence and protect it from loss or damage arising from electronic failure or mechanical defect.

(Subd (a) amended effective January 1, 2007; adopted as unlettered subd; previously relettered and amended effective January 1, 2001.)

(b) Alphabetic index

A single alphabetic index may be maintained so long as the plaintiff-defendant distinction is retained.

(Subd (b) adopted effective January 1, 2001.)

(c) Public access

The indexes maintained under automated procedures must be accessible for public examination and use.

(Subd (c) amended effective January 1, 2007; adopted as part of unlettered subd; previously lettered and amended effective January 1, 2001.)

Rule 10.851 amended and renumbered effective January 1, 2007; adopted as rule 1010 effective January 1, 1975; renumbered as rule 999 effective January 1, 2003; amended and renumbered as rule 6.751 effective January 1, 2001.

Rule 10.855. Superior court records sampling program

(a) Purpose

This rule establishes a program to preserve in perpetuity for study by historians and other researchers all superior court records filed before 1911 and a sample of superior court records filed after December 31, 1910, to document the progress and development of the judicial system, and to preserve evidence of significant events and social trends. This rule is not intended to restrict a court from preserving more records than the minimum required.

(Subd (a) amended effective January 1, 2007.)

(b) Scope

“Records” of the superior court, as used in this rule, does not include records of limited civil, small claims, misdemeanor, or infraction cases.

(Subd (b) adopted effective January 1, 2001.)

(c) Comprehensive records

Each superior court must preserve forever comprehensive court records as follows:

- (1) All records filed before 1911;
- (2) If practicable, all records filed after 1910 and before 1950;
- (3) All case indexes;
- (4) All judgment books if the court maintains judgment records separate from the case files;
- (5) All minute books if the court maintains minutes separate from the case files; and
- (6) All registers of action if the court maintains them.

(Subd (c) amended effective January 1, 2007; adopted as subd (b) effective July 1, 1992; previously amended and relettered effective January 1, 2001.)

(d) Sample records

If a superior court destroys court records without preserving them in a medium described in (h), the court must preserve forever a sample of each year’s court records as provided by this rule of all cases, including sealed, expunged, and other confidential records to the extent permitted by law.

(Subd (d) amended effective January 1, 2007; adopted as subd (c) effective July 1, 1992; relettered effective January 1, 2001.)

(e) Court record defined

The “court record” under this rule consists of the following:

- (1) All papers and documents in the case folder; but if no case folder is created by the court, all papers and documents that would have been in the case folder if one had been created; and
- (2) The case folder, unless all information on the case folder is in papers and documents preserved in a medium described in (h); and
- (3) If available, corresponding depositions, paper exhibits, daily transcripts, and tapes of electronically recorded proceedings.

(Subd (e) amended effective January 1, 2007; adopted as subd (d) effective July 1, 1992; previously amended and relettered effective January 1, 2001.)

(f) Sampling technique

Three courts assigned in rotation by the Judicial Council must preserve 100 percent of their court records for a calendar year (“longitudinal sample”). All other courts must preserve a systematic sample of 10 percent or more of each year’s court records and a 2 percent subjective sample of the court records scheduled to be destroyed, as follows:

- (1) The “systematic sample” must be selected as follows after grouping all cases scheduled to be destroyed by filing year:
 - (A) If the cases scheduled to be destroyed for a filing year number more than 1,000 cases, the sample must consist of all cases in which the last digit of the case number (0–9) coincides with the last digit of the year in which the case was filed.
 - (B) If the cases scheduled to be destroyed for a filing year number from 100 to 1,000, the sample must consist of cases selected by (1) dividing the number of cases filed by 100, rounding fractions down to the next lower number, and (2) counting the cases and preserving each case with a position number in the files or other record that corresponds with the number computed (for example, $670 \text{ cases} \div 100 = 6.7$; select every sixth case).
 - (C) If fewer than 100 cases of a filing year are scheduled to be destroyed, all of the cases must be preserved.
 - (D) If the records to be destroyed are old, unnumbered cases, the sample must consist of cases identified by counting the cases (0–9) and preserving each case with a position number in the file or

other record that corresponds with the number determined under (A) or (B), unless fewer than 100 cases are to be destroyed.

- (2) The “subjective sample” must consist of at least 2 percent of all cases scheduled to be destroyed, but not fewer than the court records of 20 cases, and must include (1) all cases accepted for review by the California Supreme Court, (2) “fat files” or the thickest perceived case files, and (3) cases deemed by the court to be of local, national, or international significance. These cases must be identified by stamp or mark to distinguish them from the systematic sample. The Judicial Council will provide each court with a list of cases accepted for review by the California Supreme Court each year.

(Subd (f) amended effective January 1, 2007; adopted as subd (e) effective July 1, 1992; repealed, amended, and relettered effective January 1, 2001.)

(g) Augmented sample; designated advisory consultant

- (1) The Judicial Council may designate a consultant to review, under the guidance of a qualified historian or archivist, court records scheduled for destruction and determine if the court’s systematic sample should be augmented to improve representation of the variety of cases filed.
- (2) The court should give the designated consultant 60 days’ notice of intent to destroy any court records that it does not plan to retain for the sample.
- (3) The designated consultant’s role is advisory to the court. If the consultant determines that the systematic sample does not represent the variety of cases filed in a sample year, the court should select a random sample of cases to augment the systematic sample.
- (4) Final selection of the court records to augment the sample is to be made by the clerk of the superior court.

(Subd (g) amended effective January 1, 2007.)

(h) Preservation medium

- (1) Comprehensive court records under (c) filed before 1911 must be preserved in their original paper form unless the paper is not available.

- (2) If practicable, courts should preserve paper records filed after January 1, 1911, because they are preferred by historians and researchers. Courts may, however, reproduce such paper records on microfilm or other electronic or micrographic media, if the records are maintained and reproduced in accordance with archival standards recommended by the American National Standards Institute or the Association for Information and Image Management and the condition of the paper records permits reproduction without damage to the originals. [NOTE: As of the effective date of this rule, optical disk storage is not recognized as an archival medium, although it may become so with advances in the technology.]

(Subd (h) amended effective January 1, 2007; previously amended effective January 1, 2001.)

(i) Storage

Until statewide or regional archival facilities are established, each court is responsible for maintaining its comprehensive and sample court records in a secure and safe environment consistent with the archival significance of the records. The court may deposit the court records in a suitable California archival facility such as a university, college, library, historical society, museum, archive, or research institution whether publicly supported or privately endowed. The court must ensure that the records are kept and preserved according to commonly recognized archival principles and practices of preservation.

(Subd (i) amended effective January 1, 2007.)

(j) Access

The court must ensure the following:

- (1) The comprehensive and sample court records are made reasonably available to all members of the public.
- (2) Sealed and confidential records are made available to the public only as provided by law.
- (3) If the records are preserved in a medium other than paper, equipment is provided to permit public viewing of the records.
- (4) Reasonable provision is made for duplicating the records at cost.

(Subd (j) amended effective January 1, 2007.)

(k) Choosing an archival facility

If a local archival facility is maintaining the court records, the court may continue to use that facility's services if it meets the storage and access requirements under (i) and (j). If the court solicits archival facilities interested in maintaining the comprehensive and sample court records, the court must follow the procedures specified under rule 10.856, except that the comprehensive and sample court records must not be destroyed. Courts may enter into agreements for long-term deposit of records subject to the storage and access provisions of this rule.

(Subd (k) amended effective January 1, 2007; previously amended effective January 1, 1994, and January 1, 2001.)

(l) Reporting requirement

Each superior court must submit semiannually to the Judicial Council a *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form 982.8A), including the following information:

- (1) A list by year of filing of the court records destroyed;
- (2) A list by year of filing and location of the court records of the comprehensive and sample court records preserved; and
- (3) A list by year of filing and location of the court records transferred to entities under rule 10.856.

(Subd (l) amended effective January 1, 2007; previously amended effective January 1, 1994, January 1, 1995, and January 1, 2001.)

Rule 10.855 amended and renumbered effective January 1, 2007; adopted as rule 243.5 effective July 1, 1992; previously amended effective January 1, 1994, and January 1, 1995; previously amended and renumbered as rule 6.755 effective January 1, 2001.

Rule 10.856. Notice of superior court records destruction

(a) Scope

“Records” of the superior court, as used in this rule, do not include records of limited civil, small claims, misdemeanor, or infraction cases.

(Subd (a) adopted effective January 1, 2007.)

(b) Notice

The superior court must give 30 days’ written notice of its intent to destroy court records open to public inspection to entities maintained on a master list by the Judicial Council and to any other entities that have informed the court directly that they wish to be notified.

(Subd (b) amended and relettered effective January 1, 2007; adopted as subd (a); previously amended effective January 1, 2001, and July 1, 2001.

(c) Transfer to requesting entity

Records scheduled for destruction must be permanently transferred to the entity requesting possession of the records on written order of the presiding judge unless the request is denied for good cause shown. The cost of transferring the records must be paid by the requesting party.

(Subd (c) amended and relettered effective January 1, 2007; adopted as subd (b); previously amended effective January 1, 2001.)

(d) Request by two or more entities

If two or more entities request the same records, the presiding judge must order the transfer of those records to the entity that shows the greatest capability of caring for and preserving the records according to commonly recognized archival principles and practices of preservation and access, and that provides the greatest likelihood of making them available for historical or research purposes.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c); previously amended effective January 1, 2001.)

(e) Public access

No entity may receive the records unless the entity agrees to make the records reasonably available to all members of the public. Provision must be made for duplicating the records at cost.

(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d); previously amended effective January 1, 2001.)

(f) Destruction

If after 30 days no request for transfer of records scheduled for destruction has been received by the court, the clerk may destroy the records not designated for the historical and research program under rule 10.855, under a written order of the presiding judge of the court and in accordance with provisions of the Government Code.

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e); previously amended effective January 1, 2001.)

(g) Extension of time

The time for retention of any of the court records specified in the notice may be extended by order of the court on its own motion, or on application of any interested member of the public for good cause shown and on such terms as are just. No fee may be charged for making the application.

(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f); previously amended effective January 1, 2001.)

(h) Forms

The court must use the following forms to implement the requirements of this rule:

- (1) *Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession* (form 982.8(1)(N) with a form on the reverse titled *Request for Transfer or Extension of Time for Retention of Superior Court Records* (form 982.8(1)(R)), for optional use by the recipient of the notice; and
- (2) *Notice of Hearing on Request for Transfer or Extension of Time for Retention of Superior Court Records; Court Order; Release and Receipt of Superior Court Records* (form 982.8(2)(N)).

(Subd (h) amended and relettered effective January 1, 2007; adopted as subd (g); previously amended effective January 1, 2001.)

Rule 10.856 amended and renumbered effective January 1, 2007; adopted as rule 243.6 effective January 1, 1994; previously amended and renumbered rule 6.756 effective January 1, 2001; previously amended effective July 1, 2001.

Chapter 10. Trial Court Automation

Rule 10.870. Trial court automation standards

Rule 10.870. Trial court automation standards

Each superior court that acquires, develops, enhances, or maintains automated accounting or case management systems through funding provided under Government Code section 68090.8 must comply with the standards approved by the Judicial Council. The approved standards are stated in *Judicial Council Trial Court Automation Standards* published by the Administrative Office of the Courts.

Rule 10.870 amended and renumbered effective January 1, 2007; adopted as rule 1011 effective March 1, 1992; renumbered as rule 999.1 effective July 1, 1993.

Chapter 11. Trial Court Management of Civil Cases

Rule 10.900. Case management and calendaring system

Rule 10.901. Internal management procedures

Rule 10.910. Assigned cases to be tried or dismissed—notification to presiding judge

Rule 10.900. Case management and calendaring system

Each superior court must adopt a case management and calendaring system for general civil cases that will advance the goals stated in standard 2.1 of the California Standards of Judicial Administration.

Rule 10.900 amended and renumbered effective January 1, 2007; adopted as rule 204.1 effective July 1, 2002.

Rule 10.901. Internal management procedures

Each court must:

- (1) Maintain a calendar and caseload management system that will ensure that a sufficient number of cases are set for trial, based on the court's

experience, so that all departments will be occupied with judicial business;

- (2) Adopt for judges and court personnel an internal operations manual of policies and procedures necessary for the efficient operation and management of the court;
- (3) Maintain and periodically review for accuracy written local court procedures, policies, and operating practices not contained in local rules for quick, accurate, and complete reference; and
- (4) Ensure that calendaring functions are performed as directed by the court and that personnel rendering direct and immediate service to the court are within its administrative control to the maximum extent consistent with the existing organizational structures.

Rule 10.901 amended and renumbered effective January 1, 2007; adopted as rule 208 effective January 1, 1985; previously amended and renumbered as rule 204.2 effective July 1, 2002.

Rule 10.910. Assigned cases to be tried or dismissed—notification to presiding judge

(a) Assignment of cases for trial

In a court employing the master calendar, each case transferred to a trial department must be tried, ordered off the calendar, or dismissed unless, for good cause arising after the commencement of the trial, the judge of the trial department continues the case for further hearing or, with the consent of the judge supervising the master calendar, reassigns the case to the judge supervising the master calendar for further disposition.

(Subd (a) amended effective January 1, 2007; adopted as untitled subd effective January 1, 1985; previously amended and lettered effective July 1, 2002.)

(b) Notification to presiding judge

A judge who has finished or continued the trial of a case or any special matter must immediately notify the judge supervising the master calendar. The judge to whose department a cause is assigned for trial or for hearing must accept the assignment unless disqualified or, for other good cause stated to the judge supervising the master calendar, the judge supervising the master calendar determines that in the interest of justice the cause should not be tried or heard before the judge. When the judge has refused a cause and is

not disqualified, the judge must state the reasons in writing unless the judge supervising the master calendar has concurred.

(Subd (b) amended and lettered effective July 1, 2002; adopted as untitled subd effective January 1, 1985.)

Rule 10.910 amended and renumbered effective January 1, 2007; adopted as rule 226 effective January 1, 1985; previously amended effective July 1, 2002.

Chapter 12. Trial Court Management of Criminal Cases

Rule 10.950. Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges

Rule 10.951. Duties of supervising judge of the criminal division

Rule 10.952. Meetings concerning the criminal court system

Rule 10.953. Procedures for disposition of cases before the preliminary hearing

Rule 10.950. Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges

The presiding judge of a court having more than three judges may designate one or more departments primarily to hear criminal cases. Two or more departments so designated must be the criminal division. The presiding judge may designate supervising judges for the criminal division, but retains final authority over all criminal and civil case assignments.

Rule 10.950 amended and renumbered effective January 1, 2007; adopted as rule 227.1 effective January 1, 1985.

Rule 10.951. Duties of supervising judge of the criminal division

(a) Duties

In addition to any other duties assigned by the presiding judge or imposed by these rules, a supervising judge of the criminal division must assign criminal matters requiring a hearing or cases requiring trial to a trial department.

(Subd (a) amended effective January 1, 2007.)

(b) Arraignments, pretrial motions, and readiness conferences

The presiding judge, supervising judge, or other designated judge must conduct arraignments, hear and determine any pretrial motions, preside over readiness conferences, and, where not inconsistent with law, assist in the deposition of cases without trial.

(Subd (b) amended effective January 1, 2007.)

(c) Additional judges

To the extent that the business of the court requires, the presiding judge may designate additional judges under the direction of the supervising judge to perform the duties specified in this rule.

(d) Courts without supervising judge

In a court having no supervising judge, the presiding judge performs the duties of a supervising judge.

(Subd (d) amended effective January 1, 2007.)

Rule 10.951 amended and renumbered effective January 1, 2007; adopted as rule 227.2 effective January 1, 1985.

Rule 10.952. Meetings concerning the criminal court system

The supervising judge or, if none, the presiding judge must designate judges of the court to attend regular meetings to be held with the district attorney, public defender, representatives of the local bar, probation department, court personnel, and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern.

Rule 10.952 amended and renumbered effective January 1, 2007; adopted as rule 227.8 effective January 1, 1985.

Rule 10.953. Procedures for disposition of cases before the preliminary hearing

(a) Disposition before preliminary hearing

Superior courts having more than three judges must, in cooperation with the district attorney and defense bar, adopt procedures to facilitate dispositions

before the preliminary hearing and at all other stages of the proceedings. The procedures may include:

- (1) Early, voluntary, informal discovery, consistent with part 2, title 6, chapter 10 of the Penal Code (commencing with section 1054); and
- (2) The use of superior court judges as magistrates to conduct readiness conferences before the preliminary hearing and to assist, where not inconsistent with law, in the early disposition of cases.

(Subd (a) amended effective January 1, 2007; previously amended effective June 6, 1990, and January 1, 1991.)

(b) Case to be disposed of under rule 4.114

Pleas of guilty or no contest resulting from proceedings under (a) must be disposed of as provided in rule 4.114.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2001.)

Rule 10.953 amended and renumbered effective January 1, 2007; adopted as rule 227.10 effective January 1, 1985; previously amended effective June 6, 1990, January 1, 1991, and July 1, 2001.

Division 5. Appellate Court Administration

Chapter 1. Rules Relating to the Supreme Court and Courts of Appeal

Rule 10.1000. Transfer of causes

Rule 10.1004. Court of Appeal administrative presiding justice

Rule 10.1008. Courts of Appeal with more than one division

Rule 10.1012. Supervising progress of appeals

Rule 10.1016. Notice of failure to perform judicial duties

Rule 10.1020. Reviewing court clerk/administrator

Rule 10.1024. Court of Appeal minutes

Rule 10.1028. Preservation and destruction of Court of Appeal records

Rule 10.1030. Local rules of Courts of Appeal

Rule 10.1000. Transfer of causes

(a) Transfer by Supreme Court

- (1) The Supreme Court may transfer a cause:

- (A) To itself from a Court of Appeal;
 - (B) From itself to a Court of Appeal;
 - (C) Between Courts of Appeal; or
 - (D) Between divisions of a Court of Appeal.
- (2) The clerk of the transferee court must promptly send each party a copy of the transfer order with the new case number, if any.

(Subd (a) amended effective January 1, 2007.)

(b) Transfer by a Court of Appeal administrative presiding justice

- (1) A Court of Appeal administrative presiding justice may transfer causes between divisions of that court as follows:
- (A) If multiple appeals or writ petitions arise from the same trial court action or proceeding, the presiding justice may transfer the later appeals or petitions to the division assigned the first appeal or petition.
 - (B) If, because of recusals, a division does not have three justices qualified to decide a cause, the presiding justice may transfer it to a division randomly selected by the clerk.
- (2) The clerk must promptly notify the parties of the division to which the cause was transferred.

Rule 10.1000 amended and renumbered effective January 1, 2007; adopted as rule 47.1 effective January 1, 2003.

Advisory Committee Comment

Subdivision (a). Subdivision(a)(1) implements article VI, section 12(a) of the Constitution. As used in article VI, section 12(a) and in the rule, the term “cause” is broadly construed to include “all cases, matters, and proceedings of every description” adjudicated by the Courts of Appeal and the Supreme Court. (In re Rose (2000) 22 Cal.4th 430, 540, quoting In re Wells (1917) 174 Cal. 467, 471.)

Rule 10.1004. Court of Appeal administrative presiding justice

(a) Designation

- (1) In a Court of Appeal with more than one division, the Chief Justice may designate a presiding justice to act as administrative presiding justice. The administrative presiding justice serves at the pleasure of the Chief Justice for the period specified in the designation order.
- (2) The administrative presiding justice must designate another member of the court to serve as acting administrative presiding justice in the administrative presiding justice's absence. If the administrative presiding justice does not make that designation, the Chief Justice must do so.
- (3) In a Court of Appeal with only one division, the presiding justice acts as the administrative presiding justice.

(Subd (a) amended effective January 1, 2007.)

(b) Responsibilities

The administrative presiding justice is responsible for leading the court, establishing policies, promoting access to justice for all members of the public, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other resources.

(c) Duties

The administrative presiding justice must perform any duties delegated by a majority of the justices in the district with the Chief Justice's concurrence. In addition, the administrative presiding justice has responsibility for the following matters:

(1) *Personnel*

The administrative presiding justice has general direction and supervision of the clerk/administrator and all court employees except those assigned to a particular justice or division;

(2) *Unassigned matters*

The administrative presiding justice has the authority of a presiding justice with respect to any matter that has not been assigned to a particular division;

(3) *Judicial Council*

The administrative presiding justice cooperates with the Chief Justice and any officer authorized to act for the Chief Justice in connection with the making of reports and the assignment of judges or retired judges under article VI, section 6 of the California Constitution;

(4) *Transfer of cases*

The administrative presiding justice cooperates with the Chief Justice in expediting judicial business and equalizing the work of judges by recommending, when appropriate, the transfer of cases by the Supreme Court under article VI, section 12 of the California Constitution;

(5) *Administration*

The administrative presiding justice supervises the administration of the court's day-to-day operations, including personnel matters, but must secure the approval of a majority of the justices in the district before implementing any change in court policies;

(6) *Budget*

The administrative presiding justice has sole authority in the district over the budget as allocated by the Chair of the Judicial Council, including budget transfers, execution of purchase orders, obligation of funds, and approval of payments; and

(7) *Facilities*

The administrative presiding justice, except as provided in (d), has sole authority in the district over the operation, maintenance, renovation, expansion, and assignment of all facilities used and occupied by the district.

(Subd (c) amended effective January 1, 2007.)

(d) Geographically separate divisions

Under the general oversight of the administrative presiding justice, the presiding justice of a geographically separate division:

- (1) Generally directs and supervises all of the division's court employees not assigned to a particular justice;
- (2) Has authority to act on behalf of the division regarding day-to-day operations;
- (3) Administers the division budget for day-to-day operations, including expenses for maintenance of facilities and equipment; and
- (4) Operates, maintains, and assigns space in all facilities used and occupied by the division.

(Subd (d) amended effective January 1, 2007.)

Rule 10.1004 amended and renumbered effective January 1, 2007; repealed and adopted as rule 75 effective January 1, 2005.

Rule 10.1008. Courts of Appeal with more than one division

Appeals and original proceedings filed in a Court of Appeal with more than one division, or transferred to such a court without designation of a division, may be assigned to divisions in a way that will equalize the distribution of business among them. The Court of Appeal clerk must keep records showing the divisions in which cases and proceedings are pending.

Rule 10.1008 amended and renumbered effective January 1, 2007; repealed and adopted as rule 47 effective January 1, 2005.

Rule 10.1012. Supervising progress of appeals

(a) Duty to ensure prompt filing

The administrative presiding justices of Courts of Appeal with more than one division in the same city and the presiding justices of all other Courts of Appeal are generally responsible for ensuring that all appellate records and briefs are promptly filed. Staff must be provided for that purpose, to the extent that funds are appropriated and available.

(Subd (a) amended effective January 1, 2007.)

(b) Authority

Notwithstanding any other rule, the administrative presiding justices and presiding justices referred to in (a) may:

- (1) Grant or deny applications to extend the time to file records, briefs, and other documents, except that a presiding justice may extend the time to file briefs in conjunction with an order to augment the record;
- (2) Order the dismissal of an appeal or any other authorized sanction for noncompliance with these rules, if no application to extend time or for relief from default has been filed before the order is entered; and
- (3) Grant relief from default or from a sanction other than dismissal imposed for the default.

(Subd (b) amended effective January 1, 2007.)

Rule 10.1012 amended and renumbered effective January 1, 2007; repealed and adopted as rule 77 effective January 1, 2005.

Rule 10.1016. Notice of failure to perform judicial duties

(a) Notice

- (1) The Chief Justice or presiding justice must notify the Commission on Judicial Performance of a reviewing court justice's:
 - (A) Substantial failure to perform judicial duties, including any habitual neglect of duty; or
 - (B) Disability-caused absences totaling more than 90 court days in a 12-month period, excluding absences for authorized vacations and for attending schools, conferences, and judicial workshops.
- (2) If the affected justice is a presiding justice, the administrative presiding justice must give the notice.

(Subd (a) amended effective January 1, 2007.)

(b) Copy to justice

The Chief Justice, administrative presiding justice, or presiding justice must give the affected justice a copy of any notice under (a).

Rule 10.1016 amended and renumbered effective January 1, 2007; repealed and adopted as rule 78 effective January 1, 2005.

Rule 10.1020. Reviewing court clerk/administrator

(a) Selection

A reviewing court may employ a clerk/administrator selected in accordance with procedures adopted by the court.

(b) Responsibilities

Acting under the general direction and supervision of the administrative presiding justice, the clerk/administrator is responsible for planning, organizing, coordinating, and directing, with full authority and accountability, the management of the clerk's office and all nonjudicial support activities in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, and maximizes the use of judicial and other resources.

(c) Duties

Under the direction of the administrative presiding justice, the clerk/administrator has the following duties:

(1) *Personnel*

The clerk/administrator directs and supervises all court employees assigned to the clerk/administrator by the administrative presiding justice and ensures that the court receives a full range of human resources support;

(2) *Budget*

The clerk/administrator develops, administers, and monitors the court budget and develops practices and procedures to ensure that annual expenditures are within the budget;

(3) *Contracts*

The clerk/administrator negotiates contracts on the court's behalf in accord with established contracting procedures and applicable laws;

(4) *Calendar management*

The clerk/administrator employs and supervises efficient calendar and caseload management, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques;

(5) *Technology*

The clerk/administrator coordinates technological and automated systems activities to assist the court;

(6) *Facilities*

The clerk/administrator coordinates facilities, space planning, court security, and business services support, including the purchase and management of equipment and supplies;

(7) *Records*

The clerk/administrator creates and manages uniform record-keeping systems, collecting data on pending and completed judicial business and the court's internal operation as the court and Judicial Council require;

(8) *Recommendations*

The clerk/administrator identifies problems and recommends policy, procedural, and administrative changes to the court;

(9) *Public relations*

The clerk/administrator represents the court to internal and external customers—including the other branches of government—on issues pertaining to the court;

(10) *Liaison*

The clerk/administrator acts as liaison with other governmental agencies;

(11) *Committees*

The clerk/administrator provides staff for judicial committees;

(12) *Administration*

The clerk/administrator develops and implements administrative and operational programs and policies for the court and the clerk's office; and

(13) *Other*

The clerk/administrator performs other duties as the administrative presiding justice directs.

(Subd (c) amended effective January 1, 2007.)

(d) Geographically separate divisions

Under the general oversight of the clerk/administrator, an assistant clerk/administrator of a geographically separate division has responsibility for the nonjudicial support activities of that division.

Rule 10.1020 amended and renumbered effective January 1, 2007; repealed and adopted as rule 76.1 effective January 1, 2005.

Rule 10.1024. Court of Appeal minutes

(a) Purpose

Court of Appeal minutes should record the court's significant public acts and permit the public to follow the major events in the history of cases coming before the court.

(b) Required contents of minutes

The minutes must include:

- (1) The filing date of each opinion, showing whether it was ordered published;
- (2) Orders granting or denying rehearings or modifying opinions;
- (3) Orders affecting an opinion's publication status, if issued after the opinion was filed;
- (4) Summaries of all courtroom proceedings, showing at a minimum:

- (A) The cases called for argument;
 - (B) The justices hearing argument;
 - (C) The name of the attorney arguing for each party; and
 - (D) Whether the case was submitted at the close of argument or the court requested further briefing;
- (5) The date of submission, if other than the date of argument;
 - (6) Orders vacating submission, including the reason for vacating and the resubmission date;
 - (7) Orders dismissing appeals for lack of jurisdiction;
 - (8) Orders consolidating cases;
 - (9) Orders affecting a judgment or its finality date; and
 - (10) Orders changing or correcting any of the above.

(Subd (b) amended effective January 1, 2007.)

(c) Optional contents of minutes

At the court's discretion, the minutes may include such other matter as:

- (1) Assignments of justices by the Chief Justice;
- (2) Reports of the Commission on Judicial Appointments confirming justices; and
- (3) Memorials.

(Subd (c) amended effective January 1, 2007.)

Rule 10.1024 amended and renumbered effective January 1, 2007; adopted as rule 71 effective January 1, 2005.

Rule 10.1028. Preservation and destruction of Court of Appeal records

(a) Form in which records may be preserved

- (1) Court of Appeal records may be preserved in any appropriate medium, including paper or an optical, electronic, magnetic, photographic, or microphotographic medium or other technology capable of accurately reproducing the original. The medium used must comply with the minimum standards or guidelines for the preservation and reproduction of the medium adopted by the American National Standards Institute or the Association for Information and Image Management.
- (2) If records are preserved in a medium other than paper, the following provisions of Government Code section 68150 apply: subdivisions (b)–(d); (f), excluding subdivision (f)(1); and (g)–(h).

(b) Permanent records

The Court of Appeal clerk must permanently keep the court’s minutes and a register of appeals and original proceedings.

(c) Time to keep other records

- (1) Except as provided in (2), the clerk may destroy all other records in a case 10 years after the decision becomes final, as ordered by the administrative presiding justice or, in a court with only one division, by the presiding justice.
- (2) In a criminal case in which the court affirms a judgment of conviction, the clerk must keep the original reporter’s transcript for 20 years after the decision becomes final.

Rule 10.1028 renumbered effective January 1, 2007; adopted as rule 70 effective January 1, 2005.

Rule 10.1030. Local rules of Courts of Appeal

(a) Publication

- (1) A Court of Appeal must submit any local rule it adopts to the Reporter of Decisions for publication in the advance pamphlets of the Official Reports.
- (2) As used in this rule, “publication” means printing in the manner in which amendments to the California Rules of Court are printed.

(Subd (a) relettered effective January 1, 2007.)

(b) Effective date

A local rule cannot take effect sooner than 45 days after the publication date of the advance pamphlet in which it is printed.

(Subd (b) relettered effective January 1, 2007.)

Rule 10.1030 amended and renumbered effective January 1, 2007; repealed and adopted as rule 80 effective January 1, 2005.